

SHERI GIPSON

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<p style="text-align: right;">1</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE SOUTHERN DISTRICT OF TEXAS 3 CORPUS CHRISTI DIVISION 4 MARC VEASEY, et al.,) 5 Plaintiffs,) 6 v.) Civil Action 7) No. 2:13-cv-193(NGR) 8 RICK PERRY, et al.,) 9 Defendants.) 10) 11 UNITED STATES OF AMERICA,) 12 Plaintiff,) 13) 14 TEXAS LEAGUE OF YOUNG) 15 VOTERS EDUCATION FUND,) 16 et al.,) 17) 18 Plaintiff-) Civil Action 19 Intervenor,) No. 2:13-cv-263(NGR) 20) 21 TEXAS ASSOCIATION OF) 22 HISPANIC COUNTY JUDGES AND) 23 COUNTY COMMISSIONERS,) 24 et al.,) 25) 26 Plaintiff-) 27 Intervenor,) 28) 29 v.) 30) 31 STATE OF TEXAS, et al.,) 32 Defendants.) 33) 34 ***** 35 ORAL DEPOSITION OF 36 SHERI GIPSON 37 JUNE 9, 2014 38 ***** 39 ORAL DEPOSITION OF SHERI GIPSON, produced as a</p>	<p style="text-align: right;">3</p> <p>1 APPEARANCES 2 3 FOR PLAINTIFF UNITED STATES OF AMERICA: 4 Ms. Jennifer L. Maranzano (By Telephone) 5 U.S. DEPARTMENT OF JUSTICE 6 Civil Rights Division 7 950 Pennsylvania Avenue, NW 8 NWB Room 7254 9 Washington, DC 20530 10 (202) 305-4355 11 jennifer.maranzano@usdoj.gov 12 13 FOR THE VEASEY PLAINTIFFS: 14 Mr. K. Scott Brazil 15 BRAZIL & DUNN, LLP 16 4201 Cypress Creek Parkway 17 Suite 530 18 Houston, Texas 77068 19 (281) 380-6310 20 scott@brazilanddunn.com 21 22 FOR THE DEFENDANTS: 23 Mr. S. Ronald Keister 24 OFFICE OF THE ATTORNEY GENERAL OF TEXAS 25 P.O. Box 12548 26 Austin, Texas 78711 27 (512) 463-2197 28 ronny.keister@oag.state.tx.us 29 30 ALSO PRESENT: 31 Ms. Kathleen T. Murphy-Darveau 32 TEXAS DEPARTMENT OF PUBLIC SAFETY 33 5805 North Lamar Boulevard 34 Austin, Texas 78752 35 (512) 424-2420 36 kathleen.murphy@dps.texas.gov 37 38 REPORTED BY: 39 Kim Seibert, CSR, RPR 40 U.S. Legal Support, Inc. 41 Austin Centre 42 701 Brazos, Suite 380 43 Austin, Texas 78701</p>
<p style="text-align: right;">2</p> <p>1 witness at the instance of Plaintiffs, and duly sworn, 2 was taken in the above-styled and numbered cause on 3 June 9, 2014, from 9:31 a.m. to 11:19 a.m. before 4 Kim Seibert, CSR in and for the State of Texas, 5 reported by machine shorthand, at the law offices of 6 DECHERT LLP, 300 West Sixth Street, Suite 2010, Austin, 7 Texas, pursuant to the Federal Rules of Civil Procedure 8 and/or the provisions stated on the record or attached 9 hereto. 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">4</p> <p>1 INDEX 2 Appearances..... 3 4 SHERI GIPSON 5 6 Examination by Mr. Brazil..... 5 7 Examination by Ms. Maranzano..... 60 8 Further Examination by Mr. Brazil..... 80 9 10 Witness' Signature Page..... 84 11 Reporter's Certificate..... 86 12 13 EXHIBITS 14 NUMBER DESCRIPTION PAGE 15 Exhibit 136 54 16 Texas Driver's License Document 17 Requirements 18 Exhibit 137 55 19 Application for a Driver License 20 or Identification Card 21 Exhibit 138 55 22 Identification Card Fees 23 Exhibit 139 56 24 Driver License Fees 25 Exhibit 140 58 26 E-mail dated July 24th, 2013 27 from Mr. Peters to 28 Robert Bodisch 29 Exhibit 141 58 30 E-mail dated November 15th, 31 2011 to you from Karen 32 Morris</p>

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<p style="text-align: right;">5</p> <p>1 SHERI LYNN GIPSON, 2 having been first duly sworn, testified as follows: 3 EXAMINATION 4 BY MR. BRAZIL: 5 Q. Please state your full name. 6 A. Sheri Lynn Gipson. 7 Q. Have you ever given your deposition before? 8 A. Not for this, no, sir. 9 Q. I'm sorry? 10 A. Not for this, no, sir. 11 Q. But have you been through the process -- 12 A. Yes, sir. 13 Q. -- of a deposition? 14 A. Many, many years ago. 15 Q. Okay. All right. 16 MR. KEISTER: One at a time. 17 THE WITNESS: Okay. 18 Q. (BY MR. BRAZIL) Just to remind you of a few 19 rules. Let me finish my question before you give an 20 answer because the court reporter can only take one of 21 us at a time. 22 A. Okay. 23 Q. It's common in everyday talk, you know, we 24 speak over one another. But in a deposition we're 25 going to have to pause between question and answer.</p>	<p style="text-align: right;">7</p> <p>1 service, which is primarily responsible for the 2 suspension, revocation, action, initiation, and 3 compliance processing, as well as the conviction 4 reporting from across the state. 5 Q. Wow. That was a mouthful. So I apologize in 6 advance if I go back over that sometime during your 7 deposition. Okay? 8 A. That's fine. 9 Q. Who do you report to? 10 A. I report to JoeAnna Mastracchio. 11 Q. And her position? 12 A. And she is the deputy assistant director of 13 driver license customer support. 14 Q. Is your office here in Austin? 15 A. Yes, sir. 16 Q. And do you have people that report to you? 17 A. Yes, sir. 18 Q. Can you briefly describe that? I mean, 19 position, not the names. 20 A. Direct report or in total? 21 Q. Direct report. 22 A. Direct report? I have two assistant -- or 23 two managers, one for each of the services, and then a 24 special license coordinator. 25 Q. But you are -- there's nobody else that has a</p>
<p style="text-align: right;">6</p> <p>1 Other rule is, if I ask a bad question, I 2 speak too fast, my question doesn't make any sense, you 3 just say, "Scott, stop, back up, start over. I didn't 4 understand." Okay? Fair enough? 5 A. Fair enough. 6 Q. All right. And you have to give verbal 7 responses to everything because the court reporter 8 doesn't know what this means or this means. 9 Understand? 10 A. Understand. 11 Q. And if I remind you or I say, "Is that a yes 12 or a no," don't be offended. Fair enough? 13 A. Fair enough. 14 Q. You are currently employed how? 15 A. I am the senior manager over the records 16 enforcement area in the driver license division of 17 Texas Department of Public Safety. 18 Q. And can you tell us briefly what you do in 19 that position? 20 A. I manage the headquarters functions, which is 21 the license and records service, who's primarily 22 responsible for the issuance and mailing of the driver 23 license identification cards, the production of driver 24 records, and the production of driver record 25 application material and the enforcement and compliance</p>	<p style="text-align: right;">8</p> <p>1 different region of Texas that does what you do? 2 A. No. 3 Q. You're all over Texas, correct? 4 A. That is correct. I do just the headquarters, 5 the backup, the support operation, the record 6 information. 7 Q. In preparation for your deposition today, have 8 you reviewed anything by way of records, depositions, 9 documents, law statutes, anything of that sort? 10 A. I have reviewed statutes, the administrative 11 rules, and the websites. 12 Q. And the websites? 13 A. Uh-huh. 14 Q. And is that a yes? 15 A. Yes, sir. 16 Q. And I assume by "websites," you mean the 17 Department of Public Safety website? 18 A. Yes, sir. 19 Q. Did you see anything on the website that 20 needed to be corrected or updated when you made that 21 review? 22 A. I wasn't looking at it with that intent. We 23 are constantly reviewing that information when we get 24 customer comment or problems from the field offices or 25 other customers that are reporting to us, and we review</p>

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<p style="text-align: right;">9</p> <p>1 it as it comes forward.</p> <p>2 Q. Are you in charge of any portion of the</p> <p>3 website for DPS?</p> <p>4 A. No, sir. That's the policy and business</p> <p>5 improvement group.</p> <p>6 Q. But if you have something you would like to</p> <p>7 add, change, or modify, do you send your request to</p> <p>8 that group?</p> <p>9 A. That's correct. We submit it through them.</p> <p>10 Q. I'm going to ask you this morning primarily</p> <p>11 about driver's license and the personal identification</p> <p>12 cards. Okay?</p> <p>13 A. Okay.</p> <p>14 Q. The personal identification card, just for the</p> <p>15 record, is what, in your opinion? How do you see that?</p> <p>16 A. The personal identification card is a document</p> <p>17 that is issued to an individual to show who they are</p> <p>18 and where they live. It does not give them the</p> <p>19 privilege to drive a vehicle.</p> <p>20 Q. And other than -- what uses does a personal</p> <p>21 identification card have in Texas, in your opinion?</p> <p>22 A. In my opinion, there's -- it's primarily used</p> <p>23 as identification for business or banking or personal</p> <p>24 such as residential.</p> <p>25 Q. Will it allow someone to gain access to a</p>	<p style="text-align: right;">11</p> <p>1 Q. So basically the same for both; personal</p> <p>2 identification and driver's license?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Let me ask you, first of all, about driver's</p> <p>5 license in Texas, if I could. If I go into the -- into</p> <p>6 a DPS office and apply for a driver's license for the</p> <p>7 first time, what type of information do I need to</p> <p>8 provide to the DPS in order to obtain a Texas driver's</p> <p>9 license?</p> <p>10 A. Okay. For the -- for a driver license you</p> <p>11 would fill out the application and you would also</p> <p>12 provide us proof of identity, proof of residency, proof</p> <p>13 of citizenship, and then if you held a previous license</p> <p>14 in another state, that information as well.</p> <p>15 Q. Before I get to the forms of identification,</p> <p>16 is there a fee for applying for a driver's license for</p> <p>17 the first time?</p> <p>18 A. There is a fee for the driver license. For</p> <p>19 the regular driver license, it's \$24. For the</p> <p>20 commercial driver license, it's \$60. And there's --</p> <p>21 there's additional fees if you have motorcycles.</p> <p>22 Q. Is there any type of waiver by the DPS for</p> <p>23 individuals who are -- cannot afford a driver's license</p> <p>24 or a certain poverty level, anything of that sort?</p> <p>25 A. There is not a waiver for -- based on poverty,</p>
<p style="text-align: right;">10</p> <p>1 state courthouse?</p> <p>2 A. Yes, sir.</p> <p>3 Q. What about boarding a plane? Do you know if</p> <p>4 that will allow a person to board a plane?</p> <p>5 A. Currently it does allow them to board a plane.</p> <p>6 Q. Does the personal identification card that is</p> <p>7 issued by DPS, does it have a bar -- a bar code or any</p> <p>8 type of magnetic strip that contains personal</p> <p>9 identification?</p> <p>10 A. The personal identification card has both a 2D</p> <p>11 bar code and a mag stripe.</p> <p>12 Q. And what kind of information is contained on</p> <p>13 those two -- on the personal identification card?</p> <p>14 A. The information that is on the face of the</p> <p>15 license and, additionally, it houses the weight and</p> <p>16 height -- weight and hair color of the individual.</p> <p>17 Q. On the magnetic strip, or whatever you call</p> <p>18 it?</p> <p>19 A. The mag stripe and the 2D bar code.</p> <p>20 Q. Okay. What about the driver's license?</p> <p>21 What -- what information is on the magnetic strip of a</p> <p>22 driver's license?</p> <p>23 A. It's the same information. It's the</p> <p>24 information on the face of the license, plus the weight</p> <p>25 and hair color.</p>	<p style="text-align: right;">12</p> <p>1 no, sir.</p> <p>2 Q. Okay. Is there a waiver based on age or</p> <p>3 disability?</p> <p>4 A. There is. There's a reduction in fee for an</p> <p>5 identification card based on age. There is a -- if you</p> <p>6 are a veteran that receives 60 percent or more</p> <p>7 disability, your driver license fees and identification</p> <p>8 card fees are waived.</p> <p>9 Q. Are the fees the same for a personal</p> <p>10 identification as they are for a driver's license?</p> <p>11 A. No, sir. It's \$15 for an ID.</p> <p>12 Q. But the waiver is the same?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Are the requirements for receiving a personal</p> <p>15 identification card the same as those for receiving a</p> <p>16 driver's license for the first time?</p> <p>17 A. With the exception of proof of a license in a</p> <p>18 former state.</p> <p>19 Q. Can a nonresident of Texas obtain a driver's</p> <p>20 license in Texas?</p> <p>21 A. What do you mean by "nonresident"?</p> <p>22 Q. Someone who lives in another state.</p> <p>23 A. But if they're a citizen?</p> <p>24 Q. Yes.</p> <p>25 A. No, sir. They have to -- for an original they</p>

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<p style="text-align: right;">13</p> <p>1 have to show residency --</p> <p>2 Q. Okay.</p> <p>3 A. -- and proof of living in Texas.</p> <p>4 Q. What about a non-US citizen, can they obtain a</p> <p>5 driver's license in the State of Texas?</p> <p>6 A. Yes, sir, they can, as long as they can prove</p> <p>7 lawful presence. And then their card is issued based</p> <p>8 on that.</p> <p>9 Q. And what is lawful presence in the mind of</p> <p>10 DPS?</p> <p>11 A. Lawful presence means that they have a</p> <p>12 document showing that they are here for an extended or</p> <p>13 limited time period and that they have approval to be</p> <p>14 in the United States.</p> <p>15 Q. And what type of documents would you expect to</p> <p>16 see?</p> <p>17 A. You would have -- and you'll have to forgive</p> <p>18 me. I don't know all of the form numbers. There is</p> <p>19 documents for students for workers, permanent</p> <p>20 residents, and asylees.</p> <p>21 Q. Does that driver's license have a different</p> <p>22 identification on the face of it than for a</p> <p>23 US resident?</p> <p>24 A. There -- it's got the same header as far as</p> <p>25 the driver license, but it does say temporary resident.</p>	<p style="text-align: right;">15</p> <p>1 A. 32 years.</p> <p>2 Q. Congratulations.</p> <p>3 A. Thank you.</p> <p>4 Q. You don't remember exactly when proof of</p> <p>5 US citizenship was required to obtain a Texas driver's</p> <p>6 license?</p> <p>7 A. No, sir. We -- the proof began in 2008. But</p> <p>8 prior to that we did start collecting that information.</p> <p>9 Q. Can you tell me the difference? I'm not sure</p> <p>10 I understood.</p> <p>11 A. Well, the difference before was -- okay. The</p> <p>12 difference before was it was a question that was asked,</p> <p>13 "Are you a citizen," and the applicant provided the</p> <p>14 information yes or no.</p> <p>15 Q. All right. So before 2008 they just checked a</p> <p>16 box that say US citizen?</p> <p>17 A. That's correct.</p> <p>18 Q. Okay. After 2008, they had to show some type</p> <p>19 of proof?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And what type of proof did the DPS rely upon</p> <p>22 to verify someone was a US citizen?</p> <p>23 A. Certificate of naturalization, birth</p> <p>24 certificate, or passport.</p> <p>25 Q. Now, if I go into the DPS office to renew a</p>
<p style="text-align: right;">14</p> <p>1 Q. And is it issued for a different period of</p> <p>2 time than a driver's license for a US resident?</p> <p>3 A. It is. The asylees and permanent residents</p> <p>4 are issued for the same period of time. But the</p> <p>5 others, the expiration is based on their stay in the</p> <p>6 United States.</p> <p>7 Q. Based on the documentation they provide to --</p> <p>8 A. They present.</p> <p>9 Q. -- the DPS?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Okay. Has Texas always required proof of</p> <p>12 US citizenship to issue a driver's license?</p> <p>13 A. No, sir.</p> <p>14 Q. And when did that change?</p> <p>15 A. I don't recall when we initially started the</p> <p>16 year. It was as a result of voter -- the Help America</p> <p>17 Vote Act.</p> <p>18 Q. How long have you been in your current</p> <p>19 position at DPS?</p> <p>20 A. Since 2009.</p> <p>21 Q. What did you do before that?</p> <p>22 A. I was a manager of the license and records</p> <p>23 service. And then prior -- during that same time</p> <p>24 period I served on a special project for four years.</p> <p>25 Q. How long have you been with DPS in general?</p>	<p style="text-align: right;">16</p> <p>1 driver's license, okay, do I show all of the same</p> <p>2 information or do I have to show all of the same</p> <p>3 documentation as if I'm getting one for the first time?</p> <p>4 A. No, sir, you do not.</p> <p>5 Q. All right. What if I have a driver's license</p> <p>6 that was issued before 2008?</p> <p>7 A. I'm not sure what you're asking. I mean, it's</p> <p>8 the same process. So there is certain fields, Social</p> <p>9 Security number and citizenship, if they have not been</p> <p>10 completed, then you do have to show proof of those two</p> <p>11 for a driver license.</p> <p>12 Q. Okay. So if I'm -- if I'm doing an in-person</p> <p>13 renewal, does it make a difference in my age -- does my</p> <p>14 age make a difference in what I have to show to the</p> <p>15 DPS?</p> <p>16 A. No, sir.</p> <p>17 Q. All right. So if I'm renewing a driver's</p> <p>18 license that I obtained before proof -- written proof</p> <p>19 was required of U.S. citizenship, I have to show it at</p> <p>20 that time?</p> <p>21 A. If the system has not been updated to show a</p> <p>22 citizenship yes or no, then, yes, sir.</p> <p>23 Q. And how would the system get updated?</p> <p>24 A. By the information that the applicant</p> <p>25 previously submitted.</p>

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<p style="text-align: right;">17</p> <p>1 Q. Okay. So they would look me up on the</p> <p>2 computer, and if I had not provided that type of</p> <p>3 documentation or proof before, then I would have to</p> <p>4 show it when I renewed?</p> <p>5 A. Well, it's not -- we don't look to see if</p> <p>6 there's documentation. So the CSR is looking at the</p> <p>7 system, and if the system displays a yes or no in that</p> <p>8 field, they do not request additional information.</p> <p>9 Q. Fair enough. Is -- what about a renewal</p> <p>10 on-line?</p> <p>11 A. Well, one of the requirements for a renewal</p> <p>12 on-line is that the U.S. citizen equals yes.</p> <p>13 Q. Say that one more time.</p> <p>14 A. One of the -- the criteria for renewing</p> <p>15 on-line is that the US citizenship field has to equal</p> <p>16 yes.</p> <p>17 Q. In the database --</p> <p>18 A. In the database.</p> <p>19 Q. -- maintained by DPS?</p> <p>20 A. That's correct.</p> <p>21 Q. Okay. So if I'm renewing on-line and it does</p> <p>22 not show US citizen, then I need to supply that</p> <p>23 documentation?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">19</p> <p>1 on-line.</p> <p>2 Q. So I would have to go in person?</p> <p>3 A. Right. That is correct.</p> <p>4 Q. What -- you said you've reviewed some</p> <p>5 statutes. And what statutes did you review?</p> <p>6 A. Chapter 521, just overview of the application.</p> <p>7 Q. And that's 521 of which code?</p> <p>8 A. Transportation code.</p> <p>9 Q. Now, if we switch to personal identification</p> <p>10 cards. I go in to renew in person. Same type of</p> <p>11 information is required as for a Texas driver's license</p> <p>12 except for an out-of-state driver's license?</p> <p>13 A. Yes, sir, except for the Social Security</p> <p>14 number. That's also permissive on an ID. It's not</p> <p>15 required.</p> <p>16 Q. Okay. What about renew on-line? Can I renew</p> <p>17 my personal identification card on-line?</p> <p>18 A. You can if you meet all the criteria.</p> <p>19 Q. Okay. And is it the same database or the same</p> <p>20 flags that would come up with the DPS when I tried to</p> <p>21 renew on-line?</p> <p>22 A. Yes, sir, that's correct.</p> <p>23 Q. Going back to driver's license for a moment.</p> <p>24 I am applying for a Texas driver's license for the</p> <p>25 first time. Am I required to provide fingerprints?</p>
<p style="text-align: right;">18</p> <p>1 A. You would be required to go into the driver</p> <p>2 license office.</p> <p>3 Q. That was my next question. So I cannot renew</p> <p>4 on-line unless the database shows that I am a</p> <p>5 US citizen?</p> <p>6 A. That's correct.</p> <p>7 Q. Now, are there any exceptions to either</p> <p>8 renewing in person or renewing on-line for when the</p> <p>9 system does not show a US -- that I'm a US citizen?</p> <p>10 A. What do you mean by "exception"?</p> <p>11 Q. Are there any exceptions to that rule?</p> <p>12 A. That they have to establish that?</p> <p>13 Q. Yes.</p> <p>14 A. No, sir.</p> <p>15 Q. Okay. And -- but I -- the exception would be</p> <p>16 if I'm a student or I have a student visa or something</p> <p>17 of that nature, would that show in the database?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Oh, it would?</p> <p>20 A. Yes. It would show citizen, no, and then it</p> <p>21 would give the information.</p> <p>22 Q. So if I'm renewing on-line and I'm a -- I'm a</p> <p>23 student here on some type of student visa or student</p> <p>24 pass, it would show that within the DPS database?</p> <p>25 A. It would and it would not allow you to renew</p>	<p style="text-align: right;">20</p> <p>1 A. Yes, sir.</p> <p>2 Q. Is a warrant check run when I apply for a</p> <p>3 driver's license?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And what type of activity would be in the</p> <p>6 database that would prevent me from getting a driver's</p> <p>7 license; for example, a felony conviction?</p> <p>8 A. There is no -- felony convictions in</p> <p>9 themselves would not prevent you from getting a driver</p> <p>10 license. The only thing that would prevent you from</p> <p>11 getting a driver license is if you had some type of</p> <p>12 suspension or revocation action that prohibited that.</p> <p>13 Q. Okay. So if I had some type of conviction for</p> <p>14 DWI, which along with that was a suspension or</p> <p>15 revocation, then that would be a hold on my ability to</p> <p>16 get a license?</p> <p>17 A. That would be a hold on the driver license</p> <p>18 providing the suspension was still active. The fact</p> <p>19 that you had a DWI alone would not do it.</p> <p>20 Q. Okay. What other type of activity would</p> <p>21 prevent me from getting a driver's license for the</p> <p>22 first time? Is there some type of child support check?</p> <p>23 Is there any other background information?</p> <p>24 A. No, sir. The only thing that would stop you</p> <p>25 initially is if there's something already in our</p>

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<p style="text-align: right;">21</p> <p>1 system. So if you had received either convictions or</p> <p>2 something of that nature prior to getting a driver</p> <p>3 license and a record was established to document those</p> <p>4 suspensions, then that would prohibit you from getting</p> <p>5 the driver license.</p> <p>6 Q. Okay. I read something about child support.</p> <p>7 How does that affect someone's driver's license?</p> <p>8 A. Failure to pay child support, the Attorney</p> <p>9 General's office sends us notification, and it will</p> <p>10 suspend their driver license until they become</p> <p>11 compliant.</p> <p>12 Q. All right. Let's talk about personal</p> <p>13 identification. I go in for the first time to get a</p> <p>14 personal identification card. Am I required to provide</p> <p>15 fingerprints?</p> <p>16 A. Yes, sir.</p> <p>17 Q. And is it handled in the same manner as the</p> <p>18 application for a Texas driver's license?</p> <p>19 A. You mean in regard to get -- collecting the</p> <p>20 prints?</p> <p>21 Q. The prints and the information that's in the</p> <p>22 database for DPS.</p> <p>23 A. The prints are there and the information is</p> <p>24 there, but suspension and revocation activity would not</p> <p>25 prohibit you from getting an ID.</p>	<p style="text-align: right;">23</p> <p>1 Q. Let's -- driver's license, let's start with</p> <p>2 that.</p> <p>3 A. Okay. For a driver license, the actions that</p> <p>4 can be taken against it, there -- it's basically how</p> <p>5 it's recorded in statute and the process of whether or</p> <p>6 not there's a hearing involved. So for certain</p> <p>7 suspension actions, you're given the opportunity to</p> <p>8 request a hearing and go before the court or -- I just</p> <p>9 forgot what they're called. For ALR. Just went blank.</p> <p>10 SOAH, State Office of Administrative Hearings.</p> <p>11 Q. SOAH?</p> <p>12 A. SOAH.</p> <p>13 Q. Okay.</p> <p>14 A. So you're allowed to go before them for a</p> <p>15 hearing, and then they make the final determination</p> <p>16 whether the suspension continues or it's not.</p> <p>17 For a revocation, it is --</p> <p>18 Q. Hold that thought for just a moment.</p> <p>19 A. Okay.</p> <p>20 Q. Suspension occurs after a hearing?</p> <p>21 A. Only if they request the hearing. And there's</p> <p>22 only certain suspensions that allow you to get a</p> <p>23 hearing.</p> <p>24 Q. Okay. All right. Let's talk about</p> <p>25 suspensions. What are the criteria for the DPS to</p>
<p style="text-align: right;">22</p> <p>1 Q. Would there be anything that would prevent me</p> <p>2 from getting --</p> <p>3 A. Not from a suspension, with the exception of</p> <p>4 sex offenders. They are required to renew annually.</p> <p>5 And so until they establish that process, they're --</p> <p>6 they're suspended. But their compliance is coming in</p> <p>7 and obtaining the ID or DL, so that wouldn't stop them</p> <p>8 from getting it.</p> <p>9 Q. Okay. I'm trying to put these in categories</p> <p>10 so that the record will be clear, and so I'll ask you</p> <p>11 to help me -- help me do that.</p> <p>12 A. Okay.</p> <p>13 Q. Renew on-line for a driver's license, the same</p> <p>14 type of information would prevent me from getting a</p> <p>15 renewal that we just spoke about?</p> <p>16 A. As far as revocations or suspension action?</p> <p>17 Yes, sir.</p> <p>18 Q. Yes. Okay. Now, as someone in your</p> <p>19 department, can you describe, what is the difference</p> <p>20 between, for example, revocation, suspension,</p> <p>21 cancellation, confiscation? How -- put those in a box</p> <p>22 for me --</p> <p>23 A. Put them in a box?</p> <p>24 Q. -- and tell me how you view those terms.</p> <p>25 A. It --</p>	<p style="text-align: right;">24</p> <p>1 suspend my driver's license? Give me some examples.</p> <p>2 A. So we either receive conviction information or</p> <p>3 a notice that you have not complied in another state</p> <p>4 for an offense that occurred there. Most of the -- the</p> <p>5 most common one is probably the habitual violator is</p> <p>6 one of them, where you received four tickets in a</p> <p>7 12-month period. So you can request a hearing, go</p> <p>8 before the court, and then they will determine whether</p> <p>9 the suspension action would be upheld. And so then the</p> <p>10 department would go ahead and initiate it or if they</p> <p>11 overturn it, and then the suspension action would be</p> <p>12 stayed.</p> <p>13 Q. So the suspension is automatic?</p> <p>14 A. The suspension is at a designated time period,</p> <p>15 and depending on the outcome of a hearing, if you</p> <p>16 requested it, it would be automatic.</p> <p>17 Q. So if you get notification -- let's say if the</p> <p>18 DPS gets notification of a conviction; that is, one</p> <p>19 which they suspend your license for, then the</p> <p>20 suspension has a date on it?</p> <p>21 A. Yes, sir, a beginning date.</p> <p>22 Q. How is someone notified of that?</p> <p>23 A. They are notified by mail.</p> <p>24 Q. That your license will be suspended on X date?</p> <p>25 A. Correct.</p>

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<p style="text-align: right;">25</p> <p>1 Q. And you say not all suspensions can be heard</p> <p>2 by the ALR process?</p> <p>3 A. Correct.</p> <p>4 Q. What suspensions are automatic without any</p> <p>5 hearing?</p> <p>6 A. A no insurance. So if you receive a second no</p> <p>7 insurance criteria, you're allowed 21 days to show</p> <p>8 proof of insurance. If you fail to do that, then that</p> <p>9 suspension goes into affect.</p> <p>10 Q. Okay. Habitual violator, an out-of-state</p> <p>11 noncompliance. And what type of convictions would</p> <p>12 suspend the license?</p> <p>13 A. There's mandatory suspensions for DWI, which</p> <p>14 is driving while intoxicated, driving while license</p> <p>15 invalid, certain drug offenses. And there's -- I mean,</p> <p>16 there's numerous -- we have over 200 enforcement</p> <p>17 actions that we can initiate.</p> <p>18 Q. And are those by state law, by DPS regs and --</p> <p>19 where do I find those?</p> <p>20 A. They are by state law.</p> <p>21 Q. Okay.</p> <p>22 MR. KEISTER: Sheri, you're doing good,</p> <p>23 but you're talking over him just a little bit.</p> <p>24 THE WITNESS: Okay.</p> <p>25 MR. BRAZIL: That's all right.</p>	<p style="text-align: right;">27</p> <p>1 time.</p> <p>2 Q. Now, let's talk about personal identification</p> <p>3 cards.</p> <p>4 A. Okay.</p> <p>5 Q. Under the suspension category, are those --</p> <p>6 can those be suspended by the DPS?</p> <p>7 A. The only thing that they can be suspended for</p> <p>8 is the sex offender, which, again, all they have to do</p> <p>9 is go in and apply for the updated card, their renewal,</p> <p>10 and then that lifts that. The other suspension actions</p> <p>11 are notated on that record, but it does not prohibit</p> <p>12 them from getting the ID card.</p> <p>13 Q. And they have to -- as a sex offender, they</p> <p>14 have to re-apply every year?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Okay.</p> <p>17 A. It's basically they renew each year. They're</p> <p>18 not applying as an original applicant.</p> <p>19 Q. If they don't renew, then it's suspended?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And do they get a letter with a suspension</p> <p>22 date?</p> <p>23 A. Yes, sir.</p> <p>24 Q. All right. Let's talk about revocation. You</p> <p>25 used that term earlier. Is that the same as suspension</p>
<p style="text-align: right;">26</p> <p>1 THE WITNESS: Pause.</p> <p>2 Q. (BY MR. BRAZIL) Are those in the</p> <p>3 transportation code?</p> <p>4 A. They are in the transportation code and also</p> <p>5 penal code.</p> <p>6 Q. If the suspension becomes final -- let's say</p> <p>7 they do not take advantage of the ALR process and it</p> <p>8 becomes final. What happens with -- in the system, the</p> <p>9 DPS database or system? Does it show, "This license no</p> <p>10 longer valid"?</p> <p>11 A. That -- the record status --</p> <p>12 Q. Yes.</p> <p>13 A. -- becomes not eligible in the system.</p> <p>14 Q. Okay. And for someone to correct that, they</p> <p>15 would have to go into a DPS office and start over?</p> <p>16 A. No, sir. The -- if they are not eligible,</p> <p>17 they either serve the term of the suspension or</p> <p>18 revocation, whichever it is. Or if there's a</p> <p>19 compliance item; for instance, like the no insurance.</p> <p>20 Once they file that SR-22 showing that they have the</p> <p>21 proof of insurance, their suspension is lifted and then</p> <p>22 their record becomes eligible again. So it's -- most</p> <p>23 of the time it's a combination of them paying fees or</p> <p>24 providing compliance documents. Or in the situation of</p> <p>25 the mandatory for the DWI, they just serve out the</p>	<p style="text-align: right;">28</p> <p>1 or is that different?</p> <p>2 A. They're basically all actions that stop an</p> <p>3 individual from being able to drive. So a revocation</p> <p>4 would be for -- an example would be a nonresident</p> <p>5 violator compact. So they are revoked because they did</p> <p>6 not pay a ticket in a former state or in another state.</p> <p>7 And that license will stay revoked until they comply</p> <p>8 by -- by paying that former state.</p> <p>9 Q. And how is that different from a suspension?</p> <p>10 A. Suspension is typically for a set period of</p> <p>11 time. But, again, there's certain ones that can be</p> <p>12 lifted prior to. So like a no insurance, they're</p> <p>13 required for a two-year period to show that proof of</p> <p>14 insurance. So it's a designated time; whereas, a</p> <p>15 revocation is indefinite until they meet the</p> <p>16 compliance.</p> <p>17 Q. So if they have an out-of-state ticket that</p> <p>18 has not been paid, their license is revoked?</p> <p>19 A. Correct.</p> <p>20 Q. And are they sent a letter to that effect?</p> <p>21 A. Yes, sir.</p> <p>22 Q. And does it give a revocation date or is it</p> <p>23 already -- is it automatic?</p> <p>24 A. No, it gives them a beginning date as well.</p> <p>25 Q. And if they show proof that they have paid</p>

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<p style="text-align: right;">29</p> <p>1 that out-of-state ticket, then what happens to that</p> <p>2 revocation?</p> <p>3 A. The revocation is stayed and never initiated</p> <p>4 if they show proof prior to that start date.</p> <p>5 Q. Okay. What about a personal identification</p> <p>6 card? Is it ever revoked?</p> <p>7 A. No, sir.</p> <p>8 Q. Now, is there a term of cancellation of</p> <p>9 personal identification cards or driver's license? Is</p> <p>10 that -- is that a term the DPS uses?</p> <p>11 A. We do use "cancellation."</p> <p>12 Q. How is that different from revocation or</p> <p>13 suspension?</p> <p>14 A. Basically when we do a cancellation it is</p> <p>15 because that person is not qualified for that type</p> <p>16 card. So if we have information or get information</p> <p>17 that the person did not pass the necessary test, we</p> <p>18 would cancel that driver license. Or in the instance</p> <p>19 of an under 18, if a parent withdrew their</p> <p>20 authorization, then we would cancel that driver</p> <p>21 license.</p> <p>22 Q. And they would be notified in mail?</p> <p>23 A. Yes, sir.</p> <p>24 Q. They would be given a cancellation date?</p> <p>25 A. Yes, sir.</p>	<p style="text-align: right;">31</p> <p>1 because do different law enforcement agencies handle it</p> <p>2 differently?</p> <p>3 A. It would be dependent upon the officer. They</p> <p>4 are not instructed to take it, but there are some that</p> <p>5 still take it depending on the circumstances at the</p> <p>6 time of arrest.</p> <p>7 Q. But Department of Public Safety troopers do</p> <p>8 not take possession of it?</p> <p>9 A. No, sir, not to my knowledge.</p> <p>10 Q. Okay. But maybe some local agencies that do?</p> <p>11 A. Correct.</p> <p>12 Q. Okay. If someone is stopped and arrested, for</p> <p>13 example, for a DWI, what happens to their driver's</p> <p>14 license?</p> <p>15 A. At the time of the stop or the whole process?</p> <p>16 Q. Whenever they're processed.</p> <p>17 A. Okay. So --</p> <p>18 Q. Since they don't take physical possession of</p> <p>19 it generally. I understand that.</p> <p>20 A. Uh-huh.</p> <p>21 Q. Is that a yes?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Okay. So what happens to their license?</p> <p>24 A. They would maintain possession of it. And</p> <p>25 they are served with a notice at the time of the stop</p>
<p style="text-align: right;">30</p> <p>1 Q. And they could get the DPS to lift the</p> <p>2 cancellation date by complying with whatever</p> <p>3 requirement they had?</p> <p>4 A. That would be correct.</p> <p>5 Q. Okay. What about a personal identification</p> <p>6 card, is it ever canceled?</p> <p>7 A. I can't think of an instance, but if we were</p> <p>8 to -- if we were to discover that there was fraud</p> <p>9 committed or that the identity was incorrect, then we</p> <p>10 would cancel that card.</p> <p>11 Q. Okay. Sticking to driver license, can a</p> <p>12 driver's license be confiscated, physically taken from</p> <p>13 the driver?</p> <p>14 A. Yes, it can be confiscated. Typically it is</p> <p>15 not. The -- the officers usually just let them keep</p> <p>16 the license because the State no longer requires that</p> <p>17 it be confiscated. Way back in the day they did</p> <p>18 require it, but that statute is no longer required.</p> <p>19 And so typically they will -- the officer will leave</p> <p>20 it, because then they don't have to maintain that in</p> <p>21 their evidence or submit it to us.</p> <p>22 Q. So they generally do not take physical</p> <p>23 possession of it?</p> <p>24 A. Correct.</p> <p>25 Q. Does that apply -- and you say not always,</p>	<p style="text-align: right;">32</p> <p>1 that their license is going to be suspended. They're</p> <p>2 given 15 days to request a hearing. If they choose to</p> <p>3 request the hearing, then they go through the hearing</p> <p>4 process. If the State Office of Administrative Hearing</p> <p>5 stays it, then we would not initiate the automatic</p> <p>6 suspension, the administrative license suspension. If</p> <p>7 they uphold it, then we would suspend the license. But</p> <p>8 it does not require that person to surrender that</p> <p>9 license. They can maintain it.</p> <p>10 Q. So the person that's arrested for DWI is given</p> <p>11 some type of notification that the license will be</p> <p>12 automatically suspended within 15 days if they don't</p> <p>13 take certain action?</p> <p>14 A. No, they're given 15 days to request the</p> <p>15 hearing.</p> <p>16 Q. Is their license to drive still good during</p> <p>17 that 15 days?</p> <p>18 A. Yes, sir, it is.</p> <p>19 Q. Okay. So the suspension is not in effect</p> <p>20 until there's a hearing?</p> <p>21 A. If they request it. Otherwise, it takes</p> <p>22 effect on the 41st day, the suspension.</p> <p>23 Q. So the 15-day period is the period by which</p> <p>24 they request a hearing?</p> <p>25 A. Correct.</p>

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<p style="text-align: right;">33</p> <p>1 Q. If they request a hearing within 15 days, the</p> <p>2 license stays -- the Texas driver's license stays valid</p> <p>3 until there is a hearing?</p> <p>4 A. That is correct.</p> <p>5 Q. -- okay. If they do not request a hearing</p> <p>6 within the 15-day period, then their license is</p> <p>7 automatically --</p> <p>8 A. Suspended.</p> <p>9 Q. -- suspended on the 41st day?</p> <p>10 A. Yes, sir, it is suspended on the 41st day.</p> <p>11 Q. For how long?</p> <p>12 A. It depends on whether or not they do a breath</p> <p>13 test or if they refuse.</p> <p>14 Q. If they refuse, do you recall how long?</p> <p>15 A. If they refuse, I believe it's 180 days.</p> <p>16 Q. Okay. If they take -- I mean, if they give</p> <p>17 one or provide one?</p> <p>18 A. It's 90 days.</p> <p>19 Q. Is there a scenario where a personal</p> <p>20 identification card would be confiscated?</p> <p>21 A. Not during -- not -- not related to a traffic</p> <p>22 stop. I mean, I can't -- I can't talk to what an</p> <p>23 agency might do if they're arresting an individual.</p> <p>24 But not for reasons that we would require.</p> <p>25 Q. There's not a DPS reason that you can think</p>	<p style="text-align: right;">35</p> <p>1 A. No, sir. They are not printed and the warrant</p> <p>2 check is not done on that one.</p> <p>3 Q. If I go into a DPS office, do -- do I see</p> <p>4 signage to that effect? For example, is there a sign</p> <p>5 that says, "When you apply for a driver's license, we</p> <p>6 expect fingerprints," or, "We will take your</p> <p>7 fingerprints and we'll do a warrant check"?</p> <p>8 A. Not to my knowledge.</p> <p>9 Q. For an EIC, is there something that says, "We</p> <p>10 do not take fingerprints and we do not do a warrant</p> <p>11 check"?</p> <p>12 A. Not to my knowledge.</p> <p>13 Q. Is there any way for a person applying for a</p> <p>14 driver's license, personal identification, or EIC to</p> <p>15 know what the differences are? For example, the</p> <p>16 website, does it make a distinction? Could I determine</p> <p>17 what I have to -- what's going to be done from the</p> <p>18 website? And don't guess. If you don't know, you</p> <p>19 don't know.</p> <p>20 A. Yeah, I'm not -- I can't answer that. I would</p> <p>21 have to go look at the website to be sure.</p> <p>22 Q. All right. But as far as in person, if I walk</p> <p>23 into a DPS office, I won't see signage that says, "This</p> <p>24 is required for driver's license. This is required for</p> <p>25 personal identification. This is required for an EIC"?</p>
<p style="text-align: right;">34</p> <p>1 of?</p> <p>2 A. No, sir.</p> <p>3 Q. All right. If I go -- is there ever a reason</p> <p>4 if I go into a DPS office for them to confiscate my</p> <p>5 driver's license?</p> <p>6 A. The only reason they would confiscate it is if</p> <p>7 it was proven that it was fraudulent activity.</p> <p>8 Q. And that would be the -- you call them CSRs?</p> <p>9 A. In the office?</p> <p>10 Q. Yes. Is that term --</p> <p>11 A. CSR, customer service rep, yes, sir.</p> <p>12 Q. If I go in to apply for a driver's license and</p> <p>13 there is a -- do they do an automatic warrant check</p> <p>14 when I apply?</p> <p>15 A. For the driver license?</p> <p>16 Q. Yes.</p> <p>17 A. Yes, sir.</p> <p>18 Q. And for the personal ID as well?</p> <p>19 A. Yes, sir, for the ID as well.</p> <p>20 Q. And if there's an outstanding warrant, I</p> <p>21 assume I'm arrested at that time?</p> <p>22 A. If there is an officer in the office.</p> <p>23 Q. Is there any type of, if you know,</p> <p>24 fingerprinting requirement or warrant check for someone</p> <p>25 applying for an EIC?</p>	<p style="text-align: right;">36</p> <p>1 A. I can't really answer that because I don't go</p> <p>2 into the field office. To my knowledge, it does not --</p> <p>3 it does not go down to the fingerprint level.</p> <p>4 Q. We've talked about the hearings, the</p> <p>5 administrative law judge hearings with SOAH. Are there</p> <p>6 any such hearings that someone can have for a personal</p> <p>7 identification card?</p> <p>8 A. No, sir, because the personal identification</p> <p>9 card wouldn't be required to go through that process.</p> <p>10 Now, could they have a hearing because of a driving</p> <p>11 incident? Yes, sir. But it wouldn't affect the</p> <p>12 validity of their identification card.</p> <p>13 Q. If they -- if there was a problem with their</p> <p>14 personal identification card, is there any way they can</p> <p>15 appeal that process through the DPS to say, "I do have</p> <p>16 proof and this is it and they didn't accept it and they</p> <p>17 didn't issue me a card," anything of that sort?</p> <p>18 A. It would depend on the problem. I'm not sure</p> <p>19 what you're asking.</p> <p>20 Q. Is there any formal process? I go in. I</p> <p>21 apply for a personal identification card. I'm rejected</p> <p>22 by the CSR. How do I go to the next step?</p> <p>23 A. For -- in the instance if they don't have the</p> <p>24 correct documents or something of that nature?</p> <p>25 Q. If I think I do, but the CSRs say I do not.</p>

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<p style="text-align: right;">37</p> <p>1 A. You would ask to see the lead or the</p> <p>2 supervisor in that office.</p> <p>3 Q. So there's not like a hearing process I have</p> <p>4 to go through?</p> <p>5 A. No, sir.</p> <p>6 Q. When, for example, I go into Walgreens to buy</p> <p>7 behind-the-counter allergy medicine, they swipe my</p> <p>8 driver's license --</p> <p>9 A. Yes, sir.</p> <p>10 Q. -- is that information maintained just by the</p> <p>11 pharmacies or is that information forwarded to DPS?</p> <p>12 A. That information is not forwarded to DPS.</p> <p>13 Q. Who maintains that?</p> <p>14 A. Well, let me clarify that. It's not reported</p> <p>15 to the driver license division.</p> <p>16 Q. Is it reported to some division, if you know?</p> <p>17 A. I don't know that.</p> <p>18 Q. Okay. So it does not report that to DPS?</p> <p>19 A. No, sir, not to the driver license division.</p> <p>20 Q. Do you know of any voting locations that will</p> <p>21 swipe my driver's license?</p> <p>22 A. I do not, because I live in a small town and</p> <p>23 we don't swipe.</p> <p>24 Q. Okay. But the only information that's on my</p> <p>25 driver's license is what you spoke of earlier?</p>	<p style="text-align: right;">39</p> <p>1 A. No, sir. The only separation would be for the</p> <p>2 EIC.</p> <p>3 Q. It's a separate, standalone database?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Okay.</p> <p>6 A. Well, I can't say it's -- I don't know if it's</p> <p>7 a separate, standalone database. The search engines</p> <p>8 are separate.</p> <p>9 Q. Okay. All right. And the reason it's a</p> <p>10 separate search engine is because why?</p> <p>11 A. When it was developed, it was done as an --</p> <p>12 basically as an offshoot of the driver license system.</p> <p>13 It was not made part of the main driver license system</p> <p>14 because of the differences in the printing and the</p> <p>15 warrant checks, all of those things that weren't going</p> <p>16 to be done.</p> <p>17 Q. How -- just looking at the driver's license</p> <p>18 database, it has -- has the personal identification in</p> <p>19 that database as well. What type of categories can you</p> <p>20 search? Can you search by age, race, if you know?</p> <p>21 What categories?</p> <p>22 A. You can search the primary searches either by</p> <p>23 driver license number, Social Security number, name,</p> <p>24 and date of birth. We do have additional fields that</p> <p>25 you can search on, which is age ranges, location, and</p>
<p style="text-align: right;">38</p> <p>1 A. Yes, sir. If they're swiping the card, the</p> <p>2 only information they're getting is what's on the face</p> <p>3 of the card, with the addition of the two fields.</p> <p>4 Q. Okay. What type of database does DPS</p> <p>5 maintain? Let me make that a broad question to begin</p> <p>6 with.</p> <p>7 A. In relation to driver license or --</p> <p>8 Q. Let's start with driver's license.</p> <p>9 A. Okay. So in relations to driver license, we</p> <p>10 have a driver license system, which houses all of the</p> <p>11 data related to the issuance of driver licenses and</p> <p>12 identification cards. It also houses all of the record</p> <p>13 information; conviction, accident, crash involvements,</p> <p>14 et cetera. And then the -- there is a subset of that</p> <p>15 database for the election certificate.</p> <p>16 Q. Is -- is -- is the database divided into</p> <p>17 driver's license, personal identification cards, EICs?</p> <p>18 A. No, sir. The driver licenses and</p> <p>19 identification cards are in the main tables and then</p> <p>20 the election certificate is in a sub-table or</p> <p>21 sub-tables.</p> <p>22 Q. So if you wanted to search, for example, by</p> <p>23 name, would you have to search driver's license and</p> <p>24 then personal ID and then EIC, or could you do it all</p> <p>25 at once?</p>	<p style="text-align: right;">40</p> <p>1 description.</p> <p>2 Q. What was the last one?</p> <p>3 A. Description, which is your height, weight,</p> <p>4 race, et cetera.</p> <p>5 Q. Okay. So under "Description," you could do it</p> <p>6 by race?</p> <p>7 A. Correct, with additional information, not just</p> <p>8 by race. So you would have to have the name to go with</p> <p>9 it.</p> <p>10 Q. I'm sorry. I don't follow that.</p> <p>11 A. So, in other words, there's certain criteria</p> <p>12 that has to be entered. So at the minimum, you would</p> <p>13 have to have a last name. You couldn't just go in and</p> <p>14 search for all white, in other words. You have to have</p> <p>15 a name to go with that.</p> <p>16 Q. Okay. So you could -- you would -- in order</p> <p>17 to -- okay. So you couldn't go in there and say, "I</p> <p>18 want to determine in that database how many</p> <p>19 African-Americans hold driver's license in Texas?"</p> <p>20 A. Not off the -- just our basic search. Now,</p> <p>21 can that data be done through using our database</p> <p>22 administrators? Yes. But just the basic search? No,</p> <p>23 sir.</p> <p>24 Q. Okay. But it could be done if you wanted to?</p> <p>25 A. Yes, sir.</p>

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<p style="text-align: right;">41</p> <p>1 Q. All right. And so what categories of race do 2 you have? I mean, you have, I assume, 3 African-American? 4 A. African-American, Asian, Pacific Islander, 5 White, Other, and Hispanic, which is the only ethnicity 6 that's included in that. 7 Q. Okay. Do you have any idea what the breakdown 8 is today of -- by race of -- 9 A. Percentages? 10 Q. Uh-huh. 11 A. No, sir. 12 Q. Okay. Can you search, either you or somebody, 13 search the database for -- to determine how many of the 14 driver's license -- how many of the Texas driver's 15 license holders are also registered to vote? 16 A. No, sir. 17 Q. Do you know approximately how many individuals 18 hold Texas driver's licenses today? 19 A. Right now we have -- there is 18 million 20 records. 21 Q. 18 million? 22 A. 18 million records. 23 Q. Okay. And why do you use the term "records" 24 rather than "individuals"? 25 A. It's just -- that's the word I use. There's</p>	<p style="text-align: right;">43</p> <p>1 will be updated where everyone will have shown proof of 2 US citizenship? 3 A. I can't answer that at this point because we 4 don't require it if it's already in the system. And 5 there's nothing that indicates in our system whether or 6 not they've shown proof. So unless the State of Texas 7 becomes real ID compliant and that becomes part of the 8 process for us to recertify all of our drivers, I can't 9 say how many will have not -- will have actually shown 10 proof. 11 Q. Okay. Let me ask a couple of questions 12 because I got confused earlier. 13 A. Okay. 14 Q. So as we sit here today, if someone is in the 15 system and the system shows US citizen -- 16 A. Uh-huh. 17 Q. Is that a yes? 18 A. Yes, sir. 19 Q. -- that doesn't tell you in the DPS whether or 20 not they have shown proof or just checked the box? 21 A. That is correct. 22 Q. Okay. But at some point that person will have 23 to show proof; is that correct? 24 A. Not at this time. 25 Q. What if their driver's license comes up for</p>
<p style="text-align: right;">42</p> <p>1 no specific reason for it. It's 18 million license 2 holders. 3 Q. Okay. And you cannot determine how many of 4 those are registered to vote? 5 A. No, sir. The only information we have in our 6 system is if they elected to do a voter registration 7 when they were doing their application. But there's 8 nothing that ties it to the actual voter registration. 9 Q. Of the 18 million registered -- of the 10 18 million people that hold Texas driver's licenses, 11 how many of those 18 million have show -- have shown 12 documentation or proof of US citizenship, do you know? 13 A. I can't answer that. 14 Q. Is it all 18 or not all 18? 15 A. I would say it's not all 18. 16 Q. Is that because as the renewals come up they 17 have to show proof that they didn't have to show 18 before? Is that the reason? What would be the reason 19 why all 18 million have not shown proof of 20 US citizenship? 21 A. Because some of the people indicated that they 22 were citizens prior to us requiring them to show proof. 23 Q. Okay. I think -- all right. That was my 24 question. It was just a bad question. 25 But at some point the entire database</p>	<p style="text-align: right;">44</p> <p>1 renewal? You're saying that if the driver's license 2 comes up for renewal and I renew on-line and the box 3 was checked many years ago, it's still checked? 4 A. That is correct. 5 Q. Okay. All right. And the real -- when you 6 said "real ID compliant," that is the real ID law that 7 we've talked about in other depositions? 8 A. Right, that's correct. 9 Q. Is Texas real ID compliant, for lack of a 10 better term? 11 A. Not at this time, no, sir. 12 Q. Okay. All right. Just so that I'll 13 understand this -- and I apologize. So if someone had 14 checked the box "US citizen" many years ago, when would 15 they have to show physical proof that they are actually 16 a US citizen? 17 A. Only if our statute changes us -- to require 18 us to recertify the drivers. 19 Q. Okay. When would I -- I'm 55 today, as a 20 matter of fact. When would I have to go back into a 21 DPS office to get a driver's license? 22 A. Well, it depends on at the time of your 23 renewal. You're allowed alternate means of renewal, 24 which is either on-line, by mail, or over the phone 25 every other renewal period. So if you renewed in the</p>

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<p style="text-align: right;">45</p> <p>1 office last time and you meet all of the criteria, you</p> <p>2 would be allowed to renew on-line the next renewal</p> <p>3 cycle.</p> <p>4 Q. And then after that I would have to go back</p> <p>5 into an office in person?</p> <p>6 A. That is correct.</p> <p>7 Q. And if I went in -- when I go back in to renew</p> <p>8 and I go into a DPS office, if the database already</p> <p>9 says "US citizen," I will not be asked for additional</p> <p>10 proof?</p> <p>11 A. That is correct.</p> <p>12 Q. But if I go in for the first time, okay, I</p> <p>13 turn 16 or I move here from another state, that's when</p> <p>14 I need to show physical proof of US citizenship?</p> <p>15 A. That is correct.</p> <p>16 Q. Okay. Thank you for helping me with that.</p> <p>17 MR. BRAZIL: Do you want to take a short</p> <p>18 break?</p> <p>19 MR. KIESTER: Sure. That would be great.</p> <p>20 MR. BRAZIL: We've been going for an hour</p> <p>21 or so.</p> <p>22 THE REPORTER: Off the record.</p> <p>23 (Recess from 10:17 a.m. to 10:32 a.m.)</p> <p>24 (Exhibit Nos. 136 through 141 marked.)</p> <p>25 THE REPORTER: Back on the record.</p>	<p style="text-align: right;">47</p> <p>1 Q. Okay. And when you say "prior to," what</p> <p>2 timeframe?</p> <p>3 A. Prior to 2011. We had a statutory change.</p> <p>4 Q. Okay. Just a couple of follow-up questions on</p> <p>5 the database we were talking about. Can you search by</p> <p>6 license revocation, or suspension, things of that</p> <p>7 nature?</p> <p>8 A. Based on the offense, you mean?</p> <p>9 Q. The database we were talking about. Could you</p> <p>10 enter a search term to determine how many people have a</p> <p>11 suspended license or how many people have had their</p> <p>12 license revoked?</p> <p>13 A. The user cannot. But through the database</p> <p>14 administrator, if you provide them the enforcement</p> <p>15 action codes, they can do a search on that.</p> <p>16 Q. Okay. And so can they use any type of search</p> <p>17 terms, if they want to, or that they're asked for? Is</p> <p>18 there any limit to that?</p> <p>19 A. The database administrator?</p> <p>20 Q. Yes.</p> <p>21 A. No, it would have to be the field information</p> <p>22 or the codes that are allowed in the field. You can't</p> <p>23 just type in suspension. We would have to actually</p> <p>24 provide them with the enforcement action codes that we</p> <p>25 wanted searched.</p>
<p style="text-align: right;">46</p> <p>1 Q. (BY MR. BRAZIL) Back --</p> <p>2 A. Okay. Can I clarify one thing?</p> <p>3 Q. Yes, ma'am.</p> <p>4 A. When I was talking about the limited term and</p> <p>5 the asylees, I referred to what's on the card as</p> <p>6 temporary visitor. That's what it was prior to a</p> <p>7 change in 2011. Now it actually says "limited term."</p> <p>8 So it says, "Driver License" at the top of the license</p> <p>9 and then "Limited Term" underneath there, not</p> <p>10 "Temporary Visitor."</p> <p>11 Q. Okay. So if it's a non-Texas resident</p> <p>12 driver's license and they have a student visa or</p> <p>13 they're here for a limited period of time, but they're</p> <p>14 here legally, it will say what, again, on the face?</p> <p>15 A. It says -- it says, "Limited Term."</p> <p>16 Q. Is everything else the same?</p> <p>17 A. Everything else is the same except for the</p> <p>18 expiration date is calculated not based on their</p> <p>19 birthday, but on their lawful presence.</p> <p>20 Q. Okay. And it just -- it doesn't say</p> <p>21 "Temporary Resident"; it says, "Limited"?</p> <p>22 A. "Limited Term."</p> <p>23 Q. Okay. Did it used to say "Temporary</p> <p>24 Resident"?</p> <p>25 A. It said "Temporary Visitor" prior to.</p>	<p style="text-align: right;">48</p> <p>1 Q. All right. So you couldn't just use the term</p> <p>2 "suspension"; you would have to say, "DW -- suspended</p> <p>3 DWI code," whatever that was?</p> <p>4 A. It's actually a number of codes, yes, sir.</p> <p>5 Q. Right. Okay. Could you determine how many</p> <p>6 suspensions or revocations there were for a specific</p> <p>7 period of time?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Okay. But each time you would do that you</p> <p>10 would have to give a certain code?</p> <p>11 A. You would have to give a certain code and the</p> <p>12 time period that you wanted.</p> <p>13 Q. So if you wanted to search a year, you could</p> <p>14 give all the search codes -- or provide all the codes</p> <p>15 for suspensions, for example?</p> <p>16 A. Yes, sir.</p> <p>17 Q. And it would tell you those individuals and</p> <p>18 how many in that period of time had a suspended</p> <p>19 license?</p> <p>20 A. That would be correct.</p> <p>21 Q. Okay. Could you also determine through the</p> <p>22 administrator how many people were holding an expired</p> <p>23 Texas driver's license?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Okay. When a driver's license expires, just</p>

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<p style="text-align: right;">49</p> <p>1 somebody does not renew it -- if I don't renew my 2 driver's license, do I get a letter that says, "Your 3 driver's license has expired. It's now suspended, 4 revoked, or canceled," any of that sort?</p> <p>5 A. No, sir. If -- if your license expires prior 6 -- eight weeks prior to the expiration, a renewal 7 notice is generated, which advises you you can either 8 go on-line or you renew through the mail or go into the 9 driver license office, whichever criteria you meet. 10 And then once that license has expired, that doesn't 11 create a suspension or revocation. It's just an 12 expired license.</p> <p>13 Q. Would your database -- could you do a search 14 by expired driver's license?</p> <p>15 A. Not by expired driver license. You would have 16 to give them the criteria to say "from this date 17 forward."</p> <p>18 Q. I'm not sure I followed that part.</p> <p>19 A. Okay. So, in other words, I couldn't just 20 say, "Look for anything that's expired." What I would 21 look for is an expiration date from this date in the 22 past, any record that had an expiration date, say, 23 prior to today's date, and it would identify all of the 24 records that were expired.</p> <p>25 Q. Okay. For example, you could do a search for</p>	<p style="text-align: right;">51</p> <p>1 criteria -- or based on any criteria that's in the 2 system. So for geographical, it would be by city or 3 county.</p> <p>4 Q. Okay. Do you know what the criminal penalty 5 is or the charge is for attempting to vote with an 6 invalid photo ID?</p> <p>7 A. No, sir, I do not.</p> <p>8 Q. Do you know if -- if you go to vote and I have 9 an expired driver's license, would the person at the 10 voting -- at the pole know that I had an expired 11 driver's license?</p> <p>12 A. If they looked at the license, it has the 13 expiration date on it.</p> <p>14 Q. Okay. Other than that, there wouldn't be a -- 15 something sent out by DPS to precincts or to the county 16 that says, "These driver's licenses have expired in 17 your county"?</p> <p>18 A. No, sir.</p> <p>19 Q. Okay. What is a driver responsibility 20 surcharge?</p> <p>21 A. A driver responsibility surcharge, that is an 22 administrative action that based on certain violations 23 an additional fine -- or not fine -- an additional 24 charge is done. So, for instance, there's two types. 25 There is what's called points, which is for every</p>
<p style="text-align: right;">50</p> <p>1 all driver's license that expired -- that were expired 2 as of January 1st, 2014?</p> <p>3 A. Forward. I'm not --</p> <p>4 Q. Wouldn't that be the same thing?</p> <p>5 A. Well, it would -- you have to give them the 6 range. So if I want to see driver licenses that just 7 expired within a certain time period -- and it would 8 have to be ones that are currently expired. So, in 9 other words, I can't just go say, "Show me every 10 license that expired in 2011 and didn't get renewed for 11 a, you know, two-month period." That type of a search 12 would be difficult.</p> <p>13 But if I go in and say, "Show me 14 everything that had an expiration date that is not up 15 to today's date," then it could identify which ones 16 were expired.</p> <p>17 Q. Is there any way to do a generic where it 18 tells you as of today, June the 9th, 2014, this many 19 driver's license --</p> <p>20 A. Are currently expired?</p> <p>21 Q. -- have expired, yes.</p> <p>22 A. Yes, sir.</p> <p>23 Q. Okay. And then could you break that down by 24 geographical area, race, age?</p> <p>25 A. You could break it down based on the</p>	<p style="text-align: right;">52</p> <p>1 movement violation that you are convicted of, you get 2 two points. If a crash is involved, it adds an 3 additional point. So it could be for one -- if you 4 have an offense and a crash, you would get 5 three points.</p> <p>6 If you get six points or more within a 7 36-month period, then we do what's called a point 8 surcharge. It's \$100 for the six points and \$25 for 9 each point after that. You -- that is assessed 10 annually. So if you reach six or more points, you 11 would be put into the point surcharge, and then 12 one year from that initial surcharge there would be an 13 evaluation of your record to determine do you still 14 meet the criteria. If you do, then an additional 15 surcharge would be given. If not, then that one is 16 done.</p> <p>17 There's standalone offenses, which is 18 driving while intoxicated, driving while license 19 invalid, no insurance, and no DL. And those come with 20 just a surcharge for three years from the date of 21 conviction. So once you're convicted of, say, no 22 insurance, you would get an initial surcharge, and then 23 for two consecutive years you would get an additional 24 surcharge for that.</p> <p>25 Q. And what was the last one after no insurance?</p>

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<p style="text-align: right;">53</p> <p>1 A. It was no insurance, no driver license.</p> <p>2 Q. And DWI?</p> <p>3 A. DWI.</p> <p>4 Q. And I thought there was a fourth one.</p> <p>5 A. DWLI. It's driving while license invalid.</p> <p>6 Q. Okay. Would I get a letter that says, "You</p> <p>7 now are being surcharged"?</p> <p>8 A. Yes. You would get a letter notifying you of</p> <p>9 what the offense was and what the dollar amounts were</p> <p>10 and the opportunities for payment. For that you can</p> <p>11 either pay it upfront or make installment payments.</p> <p>12 Q. And if I fail to pay upfront or make</p> <p>13 installment payments, what happens to my license?</p> <p>14 A. Your license is suspended because you go into</p> <p>15 default.</p> <p>16 Q. Is there any way to get that waived?</p> <p>17 A. The fee?</p> <p>18 Q. Yes.</p> <p>19 A. You can get it reduced based on your income</p> <p>20 levels --</p> <p>21 Q. Okay. So I can --</p> <p>22 A. -- for indigency.</p> <p>23 Q. All right. So I can get it reduced based on</p> <p>24 my income?</p> <p>25 A. Yes, sir.</p>	<p style="text-align: right;">55</p> <p>1 came from the DPS website, did it not?</p> <p>2 A. Yes, sir. It is available on the website and</p> <p>3 in the office. This is the application for a driver</p> <p>4 license or identification card.</p> <p>5 Q. And the information required is the same for</p> <p>6 both on this application?</p> <p>7 A. For the driver license and the identification</p> <p>8 card, yes, sir, with the exception of the medical</p> <p>9 questions.</p> <p>10 Q. And the medical questions are only for the</p> <p>11 Texas driver's license?</p> <p>12 A. That's correct.</p> <p>13 Q. Okay. Let me show you 138, which appears to</p> <p>14 be from the DPS website as well?</p> <p>15 A. That's correct.</p> <p>16 Q. And would you identify this document for the</p> <p>17 record?</p> <p>18 A. This indicates the driver license fees and</p> <p>19 the -- well, it's actually the page for the</p> <p>20 identification card fees.</p> <p>21 Q. So this is the website information for someone</p> <p>22 trying to obtain a personal identification card and the</p> <p>23 fees that are associated therewith?</p> <p>24 A. That is correct. And this -- when I referred</p> <p>25 to the \$15 earlier, that's the statutory fee. This</p>
<p style="text-align: right;">54</p> <p>1 Q. Okay. But if it's not paid, either the</p> <p>2 reduced amount or the full amount, it goes into</p> <p>3 suspension?</p> <p>4 A. Correct.</p> <p>5 Q. Do I get a notice of suspension?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Let me ask you just to identify some</p> <p>8 documents. There's another attorney on the phone that</p> <p>9 may have some questions about these, but I want to get</p> <p>10 you to identify these documents for the record.</p> <p>11 Exhibit No. 136 was taken, I believe,</p> <p>12 from the DPS website. Would you identify that for us?</p> <p>13 A. Yes, sir. This is on the website. It is also</p> <p>14 a pamphlet that is provided to customers.</p> <p>15 Q. And it is -- what would you call this?</p> <p>16 A. It's just basic information of what they need</p> <p>17 to bring when they're applying for a driver license or</p> <p>18 identification card.</p> <p>19 Q. Okay. For the record, it says, "Texas</p> <p>20 Driver's License Document Requirements"?</p> <p>21 A. Correct.</p> <p>22 Q. Okay. That's 136, correct?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Okay. Let me get you to identify No. 137, I</p> <p>25 believe. And that is also a document which I believe</p>	<p style="text-align: right;">56</p> <p>1 actually includes the \$1 transaction fee as well that's</p> <p>2 charged in the office.</p> <p>3 Q. Okay. And the transaction fee, is that just</p> <p>4 on-line or is that in the office?</p> <p>5 A. That's in the office as well as on-line.</p> <p>6 Q. All right. Let me show you what is 139.</p> <p>7 MR. KEISTER: Thanks.</p> <p>8 Q. (BY MR. BRAZIL) That is also a page from the</p> <p>9 DPS website, is it not?</p> <p>10 A. That is correct. This is the -- from the DPS</p> <p>11 website for the driver license fees.</p> <p>12 Q. Okay. This also includes the</p> <p>13 \$1 administrative fee?</p> <p>14 A. Yes. Yes, sir, that's correct.</p> <p>15 Q. All right. You may not have seen this</p> <p>16 exhibit, but this is Exhibit No. 140. I just want to</p> <p>17 ask you a question about that.</p> <p>18 MR. KEISTER: Thanks.</p> <p>19 Q. (BY MR. BRAZIL) Read the paragraph there and</p> <p>20 I'll ask you a couple of questions.</p> <p>21 A. Okay.</p> <p>22 Q. Was there a period of time at which DPS did</p> <p>23 take fingerprints and do a warrant search for EIC</p> <p>24 applicants?</p> <p>25 A. I cannot answer on the fingerprints, but the</p>

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<p style="text-align: right;">57</p> <p>1 warrant message is not in part -- it's not part of the</p> <p>2 EIC process.</p> <p>3 Q. Was it at one point, or do you know?</p> <p>4 A. Not the warrant. No, sir, the warrant is not.</p> <p>5 Q. Was not?</p> <p>6 A. It is not, because there is, again, as I said,</p> <p>7 the search and the database tables are completely</p> <p>8 separate and the message that does the warrant request</p> <p>9 is imbedded in the driver license application for the</p> <p>10 DLs and IDs. That same process is not imbedded in the</p> <p>11 EIC process.</p> <p>12 Q. Has it ever been, to your knowledge?</p> <p>13 A. No, sir.</p> <p>14 Q. And on the fingerprint, do you know if that</p> <p>15 was required at one time and that was stopped?</p> <p>16 A. I don't believe it was required, but I believe</p> <p>17 that because the system allowed it at the beginning</p> <p>18 that prints were captured. But that's -- the system</p> <p>19 has been modified now.</p> <p>20 Q. Okay. Anything done with those prints, to</p> <p>21 your knowledge?</p> <p>22 A. No, sir.</p> <p>23 Q. And I think we covered this earlier, but if I</p> <p>24 go into a DPS office, you're not sure if I -- if</p> <p>25 there's different signs telling the public what is</p>	<p style="text-align: right;">59</p> <p>1 reports.</p> <p>2 Q. Okay. Is that a question, "Should we be</p> <p>3 counting the number of cards issued or the number of</p> <p>4 persons"?</p> <p>5 A. That's the question, yes, sir.</p> <p>6 Q. Okay. And the answer is, "For the existing</p> <p>7 racial reports we count persons"?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. What's being discussed there?</p> <p>10 A. There was reports that were going to be</p> <p>11 generated out of the initial process that we programmed</p> <p>12 for in 2011 before it was stopped, and that was one of</p> <p>13 the reports that we were working on to determine how</p> <p>14 many cards were issued and the breakdowns.</p> <p>15 Q. And when you say "and the breakdown," the</p> <p>16 breakdown by race?</p> <p>17 A. By race, yes, sir.</p> <p>18 Q. Okay. Is that currently in existence?</p> <p>19 A. I can't answer that. The process that -- when</p> <p>20 it was reactivated last year, I was not involved with</p> <p>21 that process, so I don't know if they used the initial</p> <p>22 reports or not.</p> <p>23 Q. So you don't know if it's been changed or they</p> <p>24 went back to the same system?</p> <p>25 A. They went back to the same system, but this</p>
<p style="text-align: right;">58</p> <p>1 required or what will be taken for --</p> <p>2 A. That is correct.</p> <p>3 Q. -- driver's license?</p> <p>4 A. I know there's approved signages for the</p> <p>5 offices. I can't tell you what that is.</p> <p>6 Q. Okay. Let me show you -- oh, and, by the way,</p> <p>7 that was -- just for the record, I want to identify</p> <p>8 that. That was a -- Exhibit Number --</p> <p>9 A. 140.</p> <p>10 Q. -- 140 was an e-mail dated July 24th, 2013</p> <p>11 from Mr. Peters; is that correct?</p> <p>12 A. That's correct.</p> <p>13 Q. To?</p> <p>14 A. Robert Bodisch initially.</p> <p>15 Q. And then from Mr. Bodisch to Daniel Hodge?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. Let me show you 141 and ask you if</p> <p>18 you've seen that e-mail before.</p> <p>19 And, for the record, while you're looking</p> <p>20 at that, that is an e-mail dated November 15th, 2011 to</p> <p>21 you from Karen Morris?</p> <p>22 A. That is correct.</p> <p>23 Q. Okay. It says, "For the EC racial profile</p> <p>24 reports." What is that?</p> <p>25 A. The election certificate racial profile</p>	<p style="text-align: right;">60</p> <p>1 report I can't tell you whether or not they're actively</p> <p>2 using it.</p> <p>3 Q. Okay. And I assume there was no report in</p> <p>4 November 2011?</p> <p>5 A. No, sir. That was when we were doing the</p> <p>6 development phase.</p> <p>7 Q. Okay.</p> <p>8 MR. BRAZIL: I'm going to pass the</p> <p>9 witness at this time and let Jennifer ask you a few</p> <p>10 questions. I'll scan my notes in the meantime.</p> <p>11 EXAMINATION</p> <p>12 BY MS. MARANZANO:</p> <p>13 Q. Hi, Ms. Gipson. This is Jennifer Maranzano.</p> <p>14 I'm representing the United States in this matter. Can</p> <p>15 you hear me okay?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. Okay. Great. I'm going to jump around a</p> <p>18 little bit here. I'm trying to fill it in some</p> <p>19 additional questions.</p> <p>20 Do all first-time applicants need to</p> <p>21 appear in person to apply for a Texas driver's license?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. Do all first-time applicants need to appear in</p> <p>24 person to apply for a personal ID card?</p> <p>25 A. Yes, ma'am.</p>

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16 (Pages 61 to 64)

<p style="text-align: right;">61</p> <p>1 Q. And in terms of renewals, you and Mr. Brazil</p> <p>2 discussed on-line renewals, but I believe you said that</p> <p>3 there's also renewal by mail and by phone; is that</p> <p>4 correct?</p> <p>5 A. That is correct.</p> <p>6 Q. Who is eligible to renew by mail?</p> <p>7 A. Individuals who their previous renewal was</p> <p>8 done in person at a driver license office that they had</p> <p>9 their portrait image on file, that they have a Social</p> <p>10 Security number on file for driver licenses, not for</p> <p>11 IDs, and that their US citizen equals yes. And then</p> <p>12 for driver license, there's some additional</p> <p>13 restrictions that if that's on the face of the license;</p> <p>14 for example, daytime only, they are required to go into</p> <p>15 the driver license. But other than that, they can</p> <p>16 renew on-line, through the mail, or on phone.</p> <p>17 Q. Okay. And if they renew by phone, do they</p> <p>18 have to mail anything into DPS?</p> <p>19 A. No, ma'am.</p> <p>20 Q. So it's the same group of people who are</p> <p>21 eligible for renewal by phone or on-line or by mail; is</p> <p>22 that right?</p> <p>23 A. That is correct.</p> <p>24 Q. Okay. And how about renewals of personal ID</p> <p>25 cards? Can they be done in ways other than in person?</p>	<p style="text-align: right;">63</p> <p>1 A. Well, it wouldn't have to be the same if</p> <p>2 you're using marriage certificates and things like that</p> <p>3 because the name would then be different.</p> <p>4 Q. So if a person's underlying documents have</p> <p>5 different names, does that person need to present some</p> <p>6 form of additional documentation showing the name</p> <p>7 change?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. And what if the name on the underlying</p> <p>10 documents are -- if it's similar, but it's not exactly</p> <p>11 the same? Would that -- would that disqualify the</p> <p>12 individual from applying for a Texas driver's license?</p> <p>13 A. I'm not sure what you mean by "similar."</p> <p>14 Q. Well --</p> <p>15 A. So if the situation -- if one says "Robert"</p> <p>16 and one says, you know, "John," then, no, that would</p> <p>17 not be acceptable.</p> <p>18 Q. What if one appears to be a nickname? Does</p> <p>19 the DPS accept documents that -- that have names that</p> <p>20 look like they could be derivations of the same name?</p> <p>21 A. I -- I don't know that I can answer that</p> <p>22 fully. It would depend on the name of the -- the name</p> <p>23 and the types of documents that were being submitted.</p> <p>24 I would need to see all of the documents to make a</p> <p>25 determination if we would accept it or not.</p>
<p style="text-align: right;">62</p> <p>1 A. The same way.</p> <p>2 Q. And would it be the same categories of people</p> <p>3 who would be eligible for renewals on-line, by mail,</p> <p>4 and by phone?</p> <p>5 A. Yes, ma'am, with the exception of the</p> <p>6 requirement of the Social Security number.</p> <p>7 Q. Okay. Can you take a look at Exhibit 136 for</p> <p>8 me?</p> <p>9 A. Okay.</p> <p>10 Q. This is the exhibit that says, "Texas Driver</p> <p>11 License Document Requirements" at the top. Is this --</p> <p>12 can you just look at -- look through it and let me know</p> <p>13 if it is accurate and current in terms of the</p> <p>14 requirements that an applicant needs to present in</p> <p>15 order to get a Texas driver's license?</p> <p>16 A. (Witness reading document.) It appears to be.</p> <p>17 Q. Okay. And is it still accurate and current in</p> <p>18 terms of the underlying requirement to get a Texas</p> <p>19 personal ID card?</p> <p>20 A. Yes, ma'am.</p> <p>21 Q. Is it -- is it the case that the name on an</p> <p>22 individual's underlying documentation that -- that they</p> <p>23 present when they're applying for a Texas driver</p> <p>24 license has to be exactly the same on each of the</p> <p>25 underlying documents?</p>	<p style="text-align: right;">64</p> <p>1 Q. And who makes that determination when someone</p> <p>2 is applying for a license? Is it the individual, the</p> <p>3 customer service representative, or is it somebody</p> <p>4 higher at DPS?</p> <p>5 A. If it's -- if there is something in question,</p> <p>6 it would be somebody higher. It would be someone in</p> <p>7 the CSR's chain of command.</p> <p>8 Q. Okay. Is that determination made -- would</p> <p>9 that determination be made on the spot when the</p> <p>10 individual is applying, or would there be some sort of</p> <p>11 time lag while DPS considered the issue?</p> <p>12 A. It would depend on the circumstances.</p> <p>13 There -- it could be done initially in the office</p> <p>14 and/or it could require that it come to their --</p> <p>15 through their chain of command to their senior</p> <p>16 managers.</p> <p>17 Q. Okay. Do all of the documents presented by a</p> <p>18 driver's license applicant need to be original or</p> <p>19 certified copies?</p> <p>20 A. No, ma'am. The birth certificate -- there are</p> <p>21 certain documents that do, such as the birth</p> <p>22 certificate. But not all of the documents have to be</p> <p>23 originals. The supporting documents can be copies.</p> <p>24 Q. Okay. Can you turn to Page 2 of Exhibit 136?</p> <p>25 Let's turn your attention to the first brochure that</p>

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17 (Pages 65 to 68)

<p style="text-align: right;">65</p> <p>1 says, "Verify Your Identity." Under the primary</p> <p>2 identification documents, the first one says, "Texas</p> <p>3 driver's license or photo ID within two years of</p> <p>4 expiration."</p> <p>5 Why -- or how was the two-year time</p> <p>6 period determined?</p> <p>7 A. The two-year time period is determined by</p> <p>8 rule. Anyone who lets their license or ID expire for</p> <p>9 more than two years is required to apply as an original</p> <p>10 applicant.</p> <p>11 Q. Okay. And do you know what the basis was for</p> <p>12 that, for determining that the time period should be</p> <p>13 two years and not three years or one year?</p> <p>14 A. I do not, ma'am. That was in place when I</p> <p>15 started with the agency.</p> <p>16 Q. Okay. Do you know how the determination was</p> <p>17 made in terms of the system by proving your identity?</p> <p>18 And by that, I mean that you can show one form of</p> <p>19 primary identification, you know, or some combination</p> <p>20 of the other forms of identification. Do you know how</p> <p>21 that was created?</p> <p>22 A. No, ma'am, I do not.</p> <p>23 Q. Has that been in place the entire time you've</p> <p>24 been with DPS?</p> <p>25 A. I can't say that it's the entire time I've</p>	<p style="text-align: right;">67</p> <p>1 they're unable to obtain one.</p> <p>2 Q. If they're unable to obtain a --</p> <p>3 A. If they're not -- if they --</p> <p>4 Q. -- Social Security card?</p> <p>5 A. I'm sorry. If they are not eligible to obtain</p> <p>6 a Social Security card, there is an affidavit that they</p> <p>7 can sign after they've gone through the application</p> <p>8 process at the Social Security Administration. And we</p> <p>9 allow for a driver license. We do not allow that for a</p> <p>10 commercial driver license.</p> <p>11 Q. Okay. And are there any other examples of</p> <p>12 instances when an individual could submit an affidavit</p> <p>13 in place of the underlying forms of identification that</p> <p>14 are required?</p> <p>15 A. Not to my knowledge, but that could be a</p> <p>16 process that is approved under certain circumstances by</p> <p>17 the senior management of the customer operations, which</p> <p>18 is the field offices.</p> <p>19 Q. Okay. And would that be on a case-by-case</p> <p>20 basis?</p> <p>21 A. Yes, ma'am.</p> <p>22 Q. Has DPS considered allowing applicants who are</p> <p>23 indigent to submit an affidavit instead of some of the</p> <p>24 required forms of underlying identification?</p> <p>25 A. Not to my knowledge.</p>
<p style="text-align: right;">66</p> <p>1 been with DPS, but for as long as I've been working</p> <p>2 with the records, which is at least the last 15.</p> <p>3 Q. Okay. Do you know the cost of obtaining the</p> <p>4 required forms of underlying identification for a Texas</p> <p>5 driver's license or personal ID card?</p> <p>6 A. I do not.</p> <p>7 Q. Has DPS ever analyzed the cost of obtaining</p> <p>8 the underlying documents required in order to obtain a</p> <p>9 Texas driver's license or personal ID card?</p> <p>10 A. I'm not aware of that, but I can't say that</p> <p>11 the agency has never done it.</p> <p>12 Q. Can you look on Page 1 for me? In the first</p> <p>13 column it talks about residency in Texas.</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. And at the bottom, does it say that DPS</p> <p>16 permits an applicant who is unable to prove residency</p> <p>17 to submit an affidavit from someone who resides at the</p> <p>18 same address?</p> <p>19 A. That's correct.</p> <p>20 Q. Are there any other circumstances in which DPS</p> <p>21 permits an applicant to submit an affidavit in place of</p> <p>22 some of the required forms of underlying</p> <p>23 identification?</p> <p>24 A. No, ma'am. The only other affidavit that we</p> <p>25 accept is for Social Security for a driver license if</p>	<p style="text-align: right;">68</p> <p>1 Q. Is there any discretion among DPS employees</p> <p>2 who are issuing the driver's license to allow a</p> <p>3 slightly different combination of forms than what this</p> <p>4 brochure lays out?</p> <p>5 A. Yes, ma'am. And that's typically discussed</p> <p>6 with their team lead or supervisor in their office.</p> <p>7 Q. And would that be also done be on a</p> <p>8 case-by-case basis?</p> <p>9 A. Yes, ma'am. And it would usually be in the</p> <p>10 supporting identification role.</p> <p>11 Q. Okay. If an -- if an applicant, for example,</p> <p>12 didn't have, say, any of the forms of primary or</p> <p>13 secondary identification, would a DPS employee have</p> <p>14 discretion to allow them to bring three forms of</p> <p>15 supporting identification?</p> <p>16 A. I don't believe the CSR has that authority at</p> <p>17 their level.</p> <p>18 Q. Would -- would others at DPS have that</p> <p>19 authority?</p> <p>20 A. That would be required to be reviewed by</p> <p>21 senior management and potentially the general counsel.</p> <p>22 Q. Okay. Can you take a look at Exhibit 137?</p> <p>23 A. Do I have 137? Okay. Yes, ma'am.</p> <p>24 Q. Okay. And is this a current copy of an</p> <p>25 application for Texas driver's license or</p>

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18 (Pages 69 to 72)

<p style="text-align: right;">69</p> <p>1 identification card?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. In the top box that is labeled "Applicant</p> <p>4 Information," the last line says, "Father's last name</p> <p>5 and mother's maiden name." Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. What does DPS do with that information?</p> <p>8 A. That information is just captured on the</p> <p>9 application and it is used -- it is not used within the</p> <p>10 driver license system. It is information that can be</p> <p>11 used if there is possible fraud or identity theft.</p> <p>12 Q. And how would you use that information to</p> <p>13 determine whether there's fraud or identity theft?</p> <p>14 A. That would be up to the investigating officer.</p> <p>15 Q. How long has DPS included a question on the --</p> <p>16 on this driver's license or identification card</p> <p>17 application about the applicant's race or ethnicity?</p> <p>18 A. I believe the race has been on there -- gosh,</p> <p>19 I don't even -- I can't even tell you. It's been on</p> <p>20 there for quite some time. The ethnicity of Hispanic</p> <p>21 was added with the implementation of the driver license</p> <p>22 system in 2010.</p> <p>23 Q. And can you look at Exhibit 138 for me?</p> <p>24 A. Okay.</p> <p>25 Q. If you -- I have a few questions about 138 and</p>	<p style="text-align: right;">71</p> <p>1 Q. And does DPS have any discretion in terms of</p> <p>2 the amount of the fees?</p> <p>3 A. No, ma'am. That's set by statute.</p> <p>4 Q. Is there any policy or procedure by which a</p> <p>5 customer -- or an applicant for a Texas driver's</p> <p>6 license or personal ID can defer payment or set up some</p> <p>7 sort of payment plan?</p> <p>8 A. Not for the application fee.</p> <p>9 Q. For any other fees involved in the process?</p> <p>10 A. For the driver responsibility surcharge</p> <p>11 program they are allowed to make payments.</p> <p>12 Q. Okay. I believe that you talked to Mr. Brazil</p> <p>13 earlier about the fact that child support fees could</p> <p>14 lead to a driver license being suspended; is that</p> <p>15 correct?</p> <p>16 A. That's correct.</p> <p>17 Q. Are there any other fees that if an applicant</p> <p>18 owes these fees would lead to a driver's license</p> <p>19 suspension?</p> <p>20 A. A DSHS overcharge or overpay.</p> <p>21 Q. I'm sorry. What was that?</p> <p>22 A. DSHS, Department of State Health Services, if</p> <p>23 they overpay a customer and that customer fails to</p> <p>24 reimburse them, they can suspend the driver license.</p> <p>25 Q. Okay. Any other fees?</p>
<p style="text-align: right;">70</p> <p>1 139, which are for the driver's license?</p> <p>2 A. Okay.</p> <p>3 Q. These -- are these accurate and current lists</p> <p>4 of what the fees are for the Texas personal</p> <p>5 identification card and Texas driver's license?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. And Exhibit 138 is for the Texas</p> <p>8 identification card; is that correct?</p> <p>9 A. That is correct.</p> <p>10 Q. Exhibit 139 is a list of fees for the Texas</p> <p>11 driver's license, correct?</p> <p>12 A. That is correct.</p> <p>13 Q. Are the fees for these -- for the Texas</p> <p>14 driver's license and the personal identification card</p> <p>15 set by the Legislature?</p> <p>16 A. The base fee is set by statute, and then the</p> <p>17 \$1 transaction fee is for the payment processing.</p> <p>18 Q. Okay. Does DPS have any discretion with</p> <p>19 regard to these fees?</p> <p>20 A. As far as when it is charged or not?</p> <p>21 Q. Yes.</p> <p>22 A. No, ma'am, not other than what's laid out in</p> <p>23 statute, which allows veterans who have 60 percent or</p> <p>24 more disability to waive the fee for the renewal or</p> <p>25 issuance of the ID or DL.</p>	<p style="text-align: right;">72</p> <p>1 A. Not to my knowledge.</p> <p>2 Q. So if there are tickets that -- that haven't</p> <p>3 been paid, that would not lead to a suspension; is that</p> <p>4 correct?</p> <p>5 A. Yes, ma'am. Sorry. If you're talking about</p> <p>6 citations that have not been paid, then --</p> <p>7 Q. Yes.</p> <p>8 A. -- there's -- there's actually two options.</p> <p>9 If the citation occurred in another state, we are part</p> <p>10 of a nonresident violator compact, so that state can</p> <p>11 notify us. And then if the court is part of the fail</p> <p>12 to appear program in the State of Texas, they can enter</p> <p>13 that person into the system and it denies the renewal</p> <p>14 of their driver license.</p> <p>15 Q. Okay. And are there any fees that would lead</p> <p>16 to license revocation?</p> <p>17 A. I'm not sure what you're asking.</p> <p>18 Q. Well, wasn't -- I thought I understood that</p> <p>19 revocation was a separate category from driver's</p> <p>20 license suspension; is that right?</p> <p>21 A. Yes, ma'am. In the NRVC, the nonresidential</p> <p>22 violator compact, that's considered a revocation.</p> <p>23 Q. Oh, that's a revocation, not suspension?</p> <p>24 A. Yes, ma'am. Sorry.</p> <p>25 Q. Okay. Got it. Okay. Can you look at</p>

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19 (Pages 73 to 76)

<p style="text-align: right;">73</p> <p>1 Exhibit 140?</p> <p>2 A. Okay.</p> <p>3 Q. Now, this -- and did you look at that e-mail</p> <p>4 that was from Mr. Peters to Mr. Bodisch at the bottom</p> <p>5 on July 2013? Is that your understanding of how DPS</p> <p>6 handles arrest warrants for -- if an individual is</p> <p>7 applying for a driver's license or a personal</p> <p>8 identification card at a DPS office?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. So in some cases does DPS arrest applicants</p> <p>11 for one of those forms of ID right outside the DPS</p> <p>12 office building?</p> <p>13 A. Typically they take them into custody while</p> <p>14 they're still inside the building.</p> <p>15 Q. Okay. Is it fair to describe DPS primarily as</p> <p>16 a law enforcement agency?</p> <p>17 A. Yes.</p> <p>18 Q. Are there usually troopers present at DPS</p> <p>19 offices?</p> <p>20 A. They're not present in all offices, no, ma'am.</p> <p>21 Q. Do you know about how many offices they would</p> <p>22 be present in?</p> <p>23 A. I do not.</p> <p>24 Q. What -- how is the determination made of which</p> <p>25 offices they'll be present in and which ones they won't</p>	<p style="text-align: right;">75</p> <p>1 Q. When a person applies for a driver's license,</p> <p>2 do they -- how long does it take for them to obtain the</p> <p>3 driver's license?</p> <p>4 A. Do you mean the actual card or the process to</p> <p>5 get the license?</p> <p>6 Q. The -- how long does it take for them to get</p> <p>7 their actual license?</p> <p>8 A. Okay. So once they've passed all of the</p> <p>9 examinations and provided everything they need and the</p> <p>10 card is issued, they receive it within seven to</p> <p>11 ten days.</p> <p>12 Q. And do they get a temporary license in the</p> <p>13 meantime?</p> <p>14 A. They get a temporary license or a temporary</p> <p>15 receipt with their photo on it.</p> <p>16 Q. And when do they get the temporary receipt?</p> <p>17 A. At the completion of their application.</p> <p>18 Q. Is -- after the person is issued a temporary</p> <p>19 receipt, does DPS do any sort of quality control check</p> <p>20 on the application?</p> <p>21 A. You mean as far as looking to see what the</p> <p>22 application and what documents were presented?</p> <p>23 Q. Yes.</p> <p>24 A. I -- I don't know what kind of quality control</p> <p>25 is done in the office, no, ma'am.</p>
<p style="text-align: right;">74</p> <p>1 be?</p> <p>2 A. That decision is made by the senior managers</p> <p>3 of customer operations, our deputy assistant -- or,</p> <p>4 sorry -- our assistant director Joe Peters, and the</p> <p>5 highway patrol.</p> <p>6 Q. Do certain offices have troopers present all</p> <p>7 the time or do they usually let troopers rotate between</p> <p>8 different offices, or how does that system work?</p> <p>9 A. I can't answer that. That's between the</p> <p>10 senior managers and highway patrol or customer</p> <p>11 operations.</p> <p>12 Q. Okay. Are you aware of a public perception</p> <p>13 that if you owe any fees, such as outstanding tickets</p> <p>14 and enter a DPS office, you'll -- you will be arrested?</p> <p>15 MR. KEISTER: Objection, calls for</p> <p>16 speculation, no foundation.</p> <p>17 But you can answer.</p> <p>18 THE WITNESS: Not to my knowledge. I</p> <p>19 mean, some people, you know, come in knowing they have</p> <p>20 warrants and other people are afraid to go in because</p> <p>21 they -- they don't know.</p> <p>22 Q. (BY MS. MARANZANO) Are you aware of a public</p> <p>23 perception that if you owe any fees, such as</p> <p>24 outstanding tickets, DPS will not issue you an ID?</p> <p>25 A. Not to my knowledge.</p>	<p style="text-align: right;">76</p> <p>1 Q. And when somebody applies for a personal</p> <p>2 identification card, is the process somewhat similar in</p> <p>3 terms of a temporary receipt and then a permanent card</p> <p>4 later?</p> <p>5 A. That's correct.</p> <p>6 Q. And what is the time that it takes to receive</p> <p>7 the permanent personal ID card between when the</p> <p>8 applicant submits their application and when they</p> <p>9 receive the personal identification card?</p> <p>10 A. Once the application process is completed,</p> <p>11 it's seven to ten days.</p> <p>12 Q. Is there any quality control check on personal</p> <p>13 ID cards after the temporary personal ID card is</p> <p>14 issued?</p> <p>15 A. The same thing. I don't know if they do</p> <p>16 quality control within their office.</p> <p>17 Q. Are the permanent driver's license and</p> <p>18 personal ID cards mailed to applicants?</p> <p>19 A. The final card?</p> <p>20 Q. Yes.</p> <p>21 A. Yes, they are mailed.</p> <p>22 Q. Is there a process for getting those cards to</p> <p>23 individuals who may not have a permanent address?</p> <p>24 A. There is a process. We have a onetime mailing</p> <p>25 address that they can obtain -- or that they can be</p>

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20 (Pages 77 to 80)

<p style="text-align: right;">77</p> <p>1 issued to, and it can be sent to shelters or special</p> <p>2 mailing addresses.</p> <p>3 Q. Is the temporary receipt that is given valid</p> <p>4 for a temporary amount of time?</p> <p>5 A. It is.</p> <p>6 Q. How long is it valid for?</p> <p>7 A. I believe it's 30 days.</p> <p>8 Q. And is that true for both the Texas driver's</p> <p>9 license and the Texas personal ID card?</p> <p>10 A. Correct.</p> <p>11 Q. If an individual moves within Texas prior to</p> <p>12 the expiration date of his or her driver's license, are</p> <p>13 they required to update their driver's license?</p> <p>14 A. They are.</p> <p>15 Q. What do they need to do to make it -- to sort</p> <p>16 of register their change of address?</p> <p>17 A. They can either go on-line and apply for a</p> <p>18 change of address on-line or they can go into the local</p> <p>19 driver license office.</p> <p>20 Q. And do they get a new picture when they update</p> <p>21 their address?</p> <p>22 A. If they go into the driver license office they</p> <p>23 get a new picture. If they do on-line we use the</p> <p>24 photograph that's on file.</p> <p>25 Q. Does this update change their expiration date?</p>	<p style="text-align: right;">79</p> <p>1 Q. Are you familiar with the election</p> <p>2 identification certificate?</p> <p>3 A. I am familiar with it, but don't know the</p> <p>4 details of the processes.</p> <p>5 Q. Were you at all involved in the process of</p> <p>6 creating the regulations for the issuance of an</p> <p>7 election identification certificate?</p> <p>8 A. I worked -- in 2011, I worked on the</p> <p>9 programming side, developing the -- the part within</p> <p>10 the -- or separate from driver license system, the</p> <p>11 separate tables for the -- for the election</p> <p>12 certificate.</p> <p>13 Q. Is it your understanding that the regulations</p> <p>14 governing election identification certificate issuance</p> <p>15 were based on the regulations governing Texas driver's</p> <p>16 license issuance?</p> <p>17 A. Based on my understanding, it was based on the</p> <p>18 Texas identification card policies.</p> <p>19 Q. The Texas identification card; meaning, the</p> <p>20 personal identification card and the driver's license?</p> <p>21 A. Yes.</p> <p>22 Q. And then someone with expertise in -- in the</p> <p>23 requirements to obtain a driver's license and a</p> <p>24 personal ID card in Texas, do you think it makes sense</p> <p>25 to base the requirements for an EIC on the requirements</p>
<p style="text-align: right;">78</p> <p>1 A. No, ma'am, not if it's a duplicate or just a</p> <p>2 change of address on-line.</p> <p>3 Q. And if -- if someone who holds a Texas</p> <p>4 driver's license changes his or her name before the</p> <p>5 expiration of the driver's license, what does that</p> <p>6 person need to do to have -- or does that person need</p> <p>7 to update their driver's license to reflect their new</p> <p>8 name?</p> <p>9 A. If they choose to change their name, then they</p> <p>10 come into the local driver license office and bring the</p> <p>11 documents verifying the name change. You're not</p> <p>12 allowed to do a --</p> <p>13 Q. So that --</p> <p>14 A. I'm sorry.</p> <p>15 Q. Oh, yeah, I'm sorry. Continue.</p> <p>16 A. You're not allowed to do a name change</p> <p>17 on-line.</p> <p>18 Q. And do they get a new picture when they come</p> <p>19 in to change their name?</p> <p>20 A. When they come into the driver license office,</p> <p>21 yes, ma'am.</p> <p>22 Q. Does that change alter at all the date of the</p> <p>23 expiration of the driver's license?</p> <p>24 A. No, ma'am, not if all they're doing is a name</p> <p>25 change.</p>	<p style="text-align: right;">80</p> <p>1 to get a Texas driver's license and personal</p> <p>2 identification card?</p> <p>3 A. Yes, because you're establishing identity.</p> <p>4 Q. I want to ask you a question about something</p> <p>5 that you talked about earlier with Mr. Brazil related</p> <p>6 to an individual who is not a US citizen, but is in the</p> <p>7 United States lawfully. I think you said that their</p> <p>8 Texas driver's license says "Limited Term" on it; is</p> <p>9 that correct?</p> <p>10 A. That's correct.</p> <p>11 Q. Can you -- can you tell me where on the face</p> <p>12 of the driver's license it would say "Limited Term"?</p> <p>13 A. It's in the header bar where -- at the very</p> <p>14 top of the license where the city skyline is. On the</p> <p>15 upper right-hand side on -- these are over 21s that are</p> <p>16 the -- it says, "Driver License Or Identification</p> <p>17 Card," and beneath that it says, "Limited Term."</p> <p>18 Q. Okay. I believe those are all of my</p> <p>19 questions. Thank you so much for your time.</p> <p>20 A. Thank you.</p> <p>21 FURTHER EXAMINATION</p> <p>22 BY MR. BRAZIL:</p> <p>23 Q. Did you say that the -- both the temporary</p> <p>24 personal identification card and the temporary driver</p> <p>25 license have a photo on them?</p>

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21 (Pages 81 to 84)

<p style="text-align: right;">81</p> <p>1 A. Yes, sir.</p> <p>2 Q. Okay. They were good for, you believe, about</p> <p>3 30 days?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Okay. The database or databases that we've</p> <p>6 been talking about during your deposition, are those</p> <p>7 shared with any other agency or with the Legislature on</p> <p>8 any regular basis?</p> <p>9 A. The database itself is not, but data extracted</p> <p>10 from there is.</p> <p>11 Q. Okay. Is it on a case-by-case basis or</p> <p>12 request basis or is it done automatically? How --</p> <p>13 what's done with that, to your knowledge?</p> <p>14 A. It -- it depends. There is multiple ways that</p> <p>15 that data is shared. We have users that do what's</p> <p>16 called an entire file and they receive weekly updates,</p> <p>17 and they get basic information on individuals who apply</p> <p>18 for a license. And then if they're part of the weekly</p> <p>19 update, they get any records that had a change within</p> <p>20 that prior week.</p> <p>21 We also do certain data extracts for the</p> <p>22 Attorney General's Office, Secretary of State, just</p> <p>23 different ones. There's multiple entities that we</p> <p>24 provide data to.</p> <p>25 Q. And so the people that may get updates</p>	<p style="text-align: right;">83</p> <p>1 THE REPORTER: Off the record.</p> <p>2 (Proceedings concluded at 11:19 a.m.)</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">82</p> <p>1 automatically, those are counties or cities or law</p> <p>2 enforcement agencies, or what?</p> <p>3 A. They can be counties, cities, or private</p> <p>4 entities, as long as they qualify for the information</p> <p>5 under the Privacy Act.</p> <p>6 Q. Okay. And what do they use that information</p> <p>7 for? For example, a county, what would they use that</p> <p>8 for?</p> <p>9 A. I can't answer that. I don't know what all</p> <p>10 they would use it for.</p> <p>11 Q. Is there a fee associated with a county or</p> <p>12 some agency or some private entity getting this</p> <p>13 information?</p> <p>14 A. If it's -- if it's a public entity, there's a</p> <p>15 fee associated with it. If it's a governmental agency,</p> <p>16 there's no fee associated.</p> <p>17 Q. If it's a private entity there is a fee?</p> <p>18 A. Correct.</p> <p>19 Q. If it's a public entity it's not?</p> <p>20 A. That's correct.</p> <p>21 Q. Okay. Thank you. Appreciate your time.</p> <p>22 MR. BRAZIL: That's it.</p> <p>23 MR. KEISTER: All right. Well, we'll</p> <p>24 reserve ours until the time of trial, and the witness</p> <p>25 wants to read and sign, please.</p>	<p style="text-align: right;">84</p> <p>1 WITNESS CORRECTIONS AND SIGNATURE</p> <p>2 Please indicate changes on this sheet of paper,</p> <p>3 giving the change, page number, line number, and reason</p> <p>4 for the change. Please sign each page of changes.</p> <p>5 PAGE/LINE CORRECTION REASON FOR CHANGE</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 _____</p> <p>25 _____</p> <p style="text-align: center;">SHERI GIPSON</p>

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<p style="text-align: right;">85</p> <p style="text-align: center;">SIGNATURE OF WITNESS</p> <p>I, SHERI GIPSON, solemnly swear or affirm under the pains and penalties of perjury that the foregoing pages contain a true and correct transcript of the testimony given by me at the time and place stated, with the corrections, if any, and the reasons therefor noted on the foregoing correction pages(s).</p> <p style="text-align: center;">_____ SHERI GIPSON</p> <p>Job No. 4-AUSTIN-162600 KS</p>	<p style="text-align: right;">87</p> <p>That the witness, SHERI GIPSON, was duly sworn by the officer and that the transcript of the oral deposition is a true record of the testimony given by the witness; That the deposition transcript was submitted on _____, 2014, to the witness, or to the attorney for the witness, for examination, signature, and return to U.S. Legal Support, Inc., by _____, 2014;</p> <p>That the amount of time used by each party at the deposition is as follows:</p> <p>Ms. Jennifer Maranzano - 28 min. Mr. Scott Brazil - 1 hr. 19 min. Mr. Ronald Keister -</p> <p>I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.</p>
<p style="text-align: right;">86</p> <p>IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS CORPUS CHRISTI DIVISION</p> <p>MARC VEASEY, et al.,) Plaintiffs,)) v.) CIVIL ACTION NUMBER) 2:13-cv-193(NGR) RICK PERRY, et al.,) Defendants.)</p> <p>_____) UNITED STATES OF AMERICA,) Plaintiff,)) TEXAS LEAGUE OF YOUNG) VOTERS EDUCATION FUND,) et al.,)) Plaintiff-) Civil Action Intervenors,) No. 2:13-cv-263(NGR)) TEXAS ASSOCIATION OF) HISPANIC COUNTY JUDGES AND) COUNTY COMMISSIONERS,) et al.,)) Plaintiff-) Intervenors,)) v.)) STATE OF TEXAS, et al.,) Defendants.)</p> <p>_____) *****</p> <p style="text-align: center;">REPORTER'S CERTIFICATE</p> <p>THE STATE OF TEXAS: COUNTY OF TRAVIS:</p> <p>I, Kim Seibert, a Certified Shorthand Reporter in and for the State of Texas, hereby certify to the following:</p>	<p style="text-align: right;">88</p> <p>GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this the _____ day of _____, 2014.</p> <p style="text-align: center;"> </p> <p>_____ Kim Seibert, Texas CSR 4589 Expiration Date: 12-31-2014 U.S. Legal Support, Inc. Austin Centre 701 Brazos, Suite 380 Austin, Texas 78701 Firm Registration 344 Expiration Date 12-31-2014</p> <p>Job No. 4-AUSTIN-162600 KS</p>

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\$1 56:1,13 70:17 \$100 52:8 \$15 12:11 55:25 \$24 11:19 \$25 52:8 \$60 11:20 a.m 2:3,3 45:23,23 83:2 ability 20:15 able 28:3 above-styled 2:2 accept 36:16 63:19 63:25 66:25 acceptable 63:17 access 9:25 accident 38:13 accurate 62:13,17 70:3 Act 14:17 82:5 action 1:4,11 7:2 20:12 22:16 24:9,11 32:13 47:15,24 51:22 86:4,11 87:15 87:17 actions 23:3,7 25:17 27:10 28:2 active 20:18 actively 60:1 activity 20:5,20 21:24 34:7 actual 42:8 75:4,7 add 9:7 added 69:21 addition 38:3 additional 11:21 17:8 39:24 40:7 45:9 51:23,23 52:3,14,23 60:19 61:12 63:6 additionally 10:15 address 66:18 76:23 76:25 77:16,18,21 78:2 addresses 77:2 adds 52:2	Administration 67:8 administrative 8:10 23:10 32:4,6 36:5 51:22 56:13 administrator 47:14 47:19 48:22 administrators 40:22 advance 7:6 advantage 26:7 advises 49:7 affect 21:7 25:9 36:11 affidavit 66:17,21,24 67:6,12,23 affirm 85:3 afford 11:23 afraid 74:20 African-American 41:3,4 African-Americans 40:19 age 12:2,5 16:13,14 39:20,25 50:24 agencies 31:1,10 82:2 agency 33:23 65:15 66:11 73:16 81:7 82:12,15 ago 5:14 44:3,14 ahead 24:10 al 1:3,5,10,14,17 86:3 86:5,10,14,17 allergy 37:7 allow 9:25 10:4,5 18:25 23:22 67:9,9 68:2,14 allowed 23:14 25:7 44:23 45:2 47:22 57:17 71:11 78:12 78:16 allowing 67:22 allows 70:23 ALR 23:9 25:2 26:7 alter 78:22 alternate 44:23 America 1:7 3:3	14:16 86:7 amount 54:2,2 71:2 77:4 87:9 amounts 53:9 analyzed 66:7 and/or 2:8 64:14 annually 22:4 52:10 answer 5:20,25 35:20 36:1 42:13 43:3 56:25 59:6,19 63:21 74:9,17 82:9 apologize 7:5 44:13 appeal 36:15 appear 60:21,23 72:12 Appearances 4:2 appears 55:13 62:16 63:18 applicant 15:13 16:24 27:18 62:14 64:18 65:10 66:16 66:21 68:11 69:3 71:5,17 76:8 applicant's 69:17 applicants 56:24 60:20,23 67:22 73:10 76:18 application 4:14 6:25 11:11 19:6 21:18 42:7 55:3,6 57:9 67:7 68:25 69:9,17 71:8 75:17,20,22 76:8,10 applies 75:1 76:1 apply 11:6 20:2 27:9 30:25 34:12,14 35:5 36:21 60:21,24 65:9 77:17 81:17 applying 11:16 19:24 27:18 34:25 35:13 54:17 62:23 63:12 64:2,10 73:7 Appreciate 82:21 approval 13:13 approved 58:4 67:16	approximately 41:17 area 6:16 50:24 arrest 31:6 73:6,10 arrested 31:12 32:10 34:21 74:14 arresting 33:23 Asian 41:4 asked 15:12 45:9 47:17 asking 16:7 36:19 72:17 assessed 52:9 assistant 7:12,22 74:3,4 associated 55:23 82:11,15,16 ASSOCIATION 1:12 86:12 assume 8:16 34:21 41:2 60:3 asylees 13:20 14:3 46:5 attached 2:8 attempting 51:5 attention 64:25 attorney 3:14 21:8 54:8 81:22 87:6 attorneys 87:15 Austin 2:6 3:15,20,24 3:25 7:14 88:8,9 authority 68:16,19 authorization 29:20 automatic 24:13,16 25:4 28:23 32:5 34:13 automatically 32:12 33:7 81:12 82:1 available 55:2 Avenue 3:5 aware 66:10 74:12,22
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